



**DISCOVERY
LOCATION
RECORDATION AND
ASSESSMENT WORK
FOR MINING CLAIMS
AND SITES IN
CALIFORNIA**

1989



United States
Department of the Interior



Bureau of Land Management

California State Office
Sacramento, California

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FOR MINING CLAIMS AND SITES IN CALIFORNIA**

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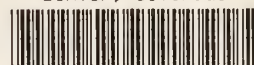
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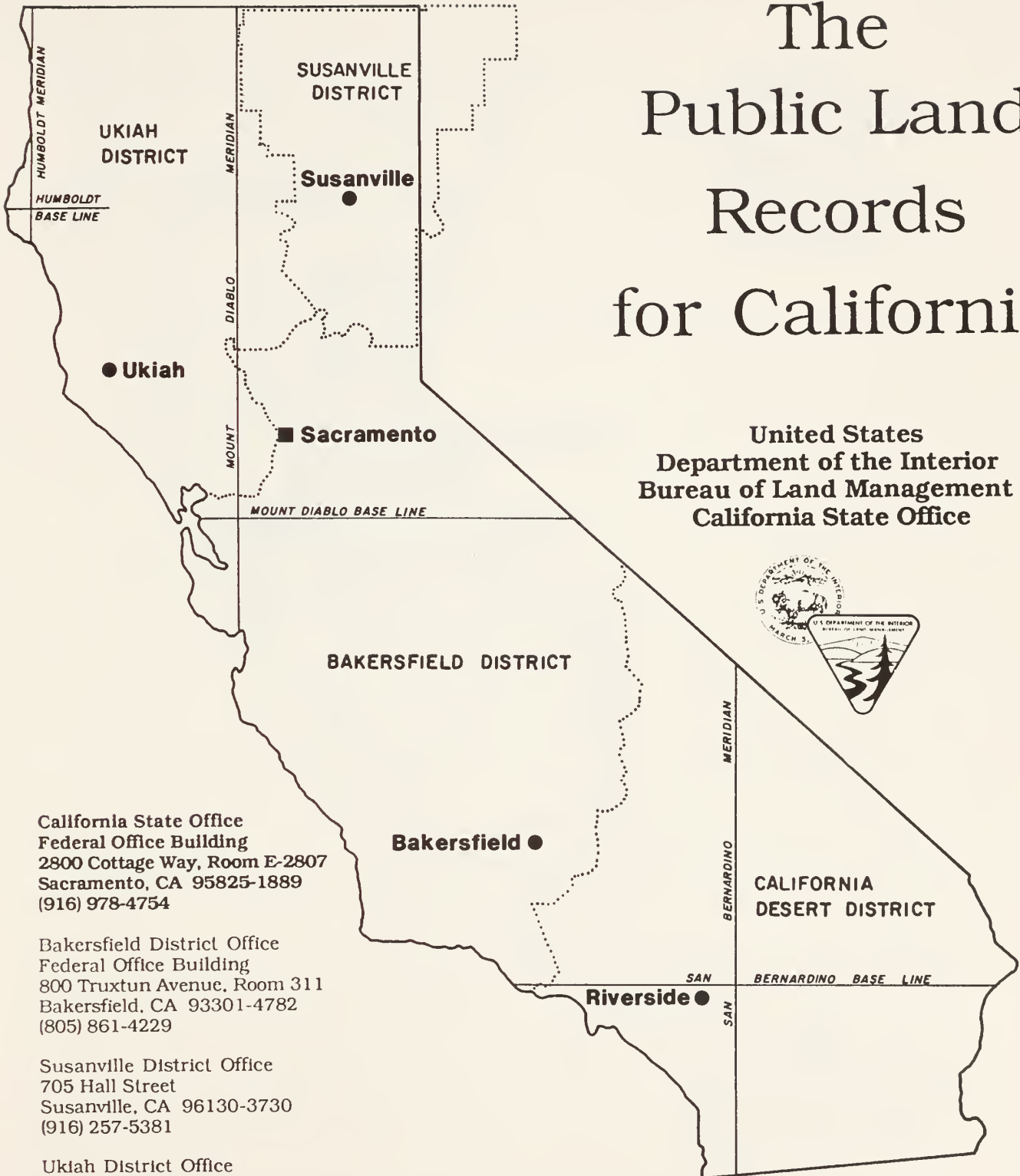
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The Public Land Records for California

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State of California
THE RESOURCES AGENCY



**DEPARTMENT
OF
FISH AND GAME
OFFICES**





FEE: \$25 RESIDENT
FEE: \$100 NONRESIDENT
(Submit with application)

RESOURCES AGENCY OF CALIFORNIA
DEPARTMENT OF FISH AND GAME
APPLICATION FOR STANDARD PERMIT*

TO OPERATE VACUUM OR SUCTION DREDGE FOR CALENDAR YEAR 1989, OR REMAINING PORTION THEREOF

I hereby make application for a standard permit to use a vacuum or suction dredge.

NAME _____ Telephone (____) _____

ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

Type of Operations: (check one) Gold Mining () Sand & Gravel () Other ()

Explain "Other" if checked _____

I hereby certify that I have read the provisions of Section 5653 of the California Fish and Game Code (See reverse side for copy of this section), and that I understand and agree to be bound by all the terms set forth in the permit issued pursuant to the above-named section.

Signature of Applicant

Date of Application

* A standard permit is valid only for use of dredges with an intake diameter of 8 inches or less and in waters open to dredging. The standard permit authorizes the discharge of dredged material below the ordinary high water elevation. No dredged material shall be placed into wetlands adjacent to waters of the State. Dredged material is limited to native streambed materials processed through the dredge equipment and rocks moved by hand during its operation. (Section 5653, Fish and Game Code)

.....

1989 Resident Dredge \$25 No. _____ Date issued _____

1989 Nonresident Dredge \$100 No. _____ Date issued _____

When permit stamp has been permanently affixed above, the applicant is authorized to operate a vacuum or suction dredge with intake diameter of 8 inches or less in waters of this State in accordance with the attached list of open and/or closed waters.

Nothing in this permit shall authorize the permittee to trespass on privately owned land, or to use a dredge in waters passing over private lands without permission of the landowner. The listing of waters open to dredging does not mean that such waters are open to the public. The permittee shall conform to all applicable federal, state and local statutes and ordinances. Suction or vacuum dredges shall not be used where dredging is prohibited by ordinances, statutes or regulations adopted pursuant thereto. This permit does not authorize dredging in any national forest, national park, state park system unit, county park, municipal park or other such area in which dredging is prohibited by the agency in control of such areas. Permittee shall file a notice of intent with the U.S. Forest Service for approval if dredging is to be done on National Forest Service lands.

Signature of Department Representative

Title

1ST COPY - LICENSEE; 2ND COPY - ISSUING OFFICE



APPLICATION PROCEDURE

Application and permits may be obtained from the following offices of the Department of Fish and Game.

REGION 1	601 Locust Street, Redding, 96001 (916) 225-2300
REGION 2	1701 Nimbus Road, Rancho Cordova, 95670 (916) 355-0978
REGION 3	7329 Silverado Trail, Napa, 94558 (707) 944-5500
REGION 4	1234 E. Shaw Avenue, Fresno, 93710 (209) 222-3761
REGION 5	330 Golden Shore, Suite 50, Long Beach, 90802 (213) 590-5132
EUREKA	619 Second Street, Eureka, 95501 (707) 445-6493
MENLO PARK	411 Burgess Drive, Menlo Park, 94025 (415) 326-0324
MONTEREY	2201 Garden Road, Monterey, 93940 (408) 649-2870
SAN DIEGO	1350 Front Street, Room 2041, San Diego, 92101 (619) 237-7311
LICENSE AND REVENUE BRANCH	3211 "S" Street, Sacramento, 95816 (916) 739-3380

LAWS AND REGULATIONS

Section 5653, Fish and Game Code. Before any person uses any vacuum or suction dredge equipment in any river, stream or lake of this State, such person shall submit an application for a permit for such a dredge to the Department of Fish and Game specifying the type and size of equipment to be used and such other information as the Department may require.

The Department may designate waters or areas wherein vacuum or suction dredges may be used pursuant to a permit, waters or areas closed to such dredges, the maximum size of such dredges which may be used, and the time of year when such dredges may be used. If the Department determines that such operation will not be deleterious to fish, it shall issue a permit to the applicant. If any person operates any equipment other than that authorized by the permit or conducts such operation in any waters or area, or at any time which is not authorized by the permit, or if any person conducts such operation without securing such permit, such person shall be guilty of a misdemeanor.

The Department shall require as a fee for such permits, twenty-five dollars (\$25) for residents of California; one hundred dollars (\$100) for nonresidents when an onsite investigation of the project site is not deemed necessary by the Department and one hundred and forty-six dollars and fifty cents (\$146.50) for residents and two hundred twenty dollars (\$220) for nonresidents when the Department deems an onsite investigation is necessary.

ADDITIONAL RESTRICTIONS

Section 5653 of the Fish and Game Code prohibits the depositing in State waters of any substance or material deleterious to fish. Section 5652 of the Fish and Game Code prohibits disposal of any garbage or rubbish within 150 feet of the waters of this State.

IMPORTANT NOTE: Flow and/or water levels in many streams and rivers may be controlled and subject to rapid changes. Dredge operators are cautioned to contact the power company, water district, or appropriate water agency which may be regulating flows in the work area to obtain specific information regarding sudden changes in flows to avoid potentially dangerous conditions.

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THE CONCEPT OF DISCOVERY

Introduction

Under the General Mining Law of 1872 (May 10, 1872) as amended (30 USC 21-54), citizens of the United States or those intending to become citizens are provided the opportunity to explore for, discover, and purchase certain valuable mineral deposits on Federally administered lands in the United States. The law also set general standards and guidelines for "claiming" the mineral rights to minerals so "discovered." Provisions were included to allow for local rules to be developed, consistent with Federal laws. Therefore, the State of California established the manner of locating mining claims, tunnel rights, and mill sites on Public lands under the California Public Resources Code (Chapter 4, Division 2, Sections 2301 through 2326).

Definition of Lode and Placer Mining Claims

A lode mining claim is a claim that typically covers a valuable lode, vein, ledge, tabular deposit, or other rock in place between definite walls or boundaries.

Placer mining claims are used for placer deposits and are defined as "...including all forms of deposit, excepting veins of quartz, or other rock in place (except some non-metallic minerals described later). They shall be subject to entry and patent, under like circumstances and conditions and upon similar proceedings as are provided for veins on lode claims..." (30 USC 35).

Locatable Minerals

Through Federal laws and regulations mineral deposits on Federally administered land are grouped as 1) locatable deposits, 2) salable deposits, or 3) leasable deposits. This report is concerned only with the first group - the locatable deposits.

It is nearly impossible to prepare a complete list of minerals that occur in locatable deposits. This is true because of legal requirements for discovery and because some mineral deposits that are locatable on Federal lands are leasable on the Outer Continental Shelf (OCS) and on most lands acquired by the United States. Also, common varieties of sand, gravel, stone, cinders, pumice, pumicite and clay are not locatable, but are instead salable and require a sales contract from the BLM or the Forest Service. Only the uncommon varieties of these commodities are locatable. Sometimes varieties are determined to be uncommon on a case by case basis.

Valuable locatable deposits of minerals on Federally administered land which is open to exploration and location of mining claims are administered under the General Mining Law of 1872, as amended. The discovery of a valuable mineral deposit properly located under appropriate Federal and State laws is essential for a valid mining claim. The location of mining claims technically comes after the discovery of a valuable mineral deposit (43 CFR 3811.1, and 43 CFR 3831.1).

Discovery

There are legal and technical aspects to be considered for a discovery of a valuable mineral deposit. Unfortunately, Federal statutes do not provide a definition of, or describe what constitutes a valuable mineral deposit. The lack of a statutory definition has resulted in judicial and administrative declarations.

Prudent Person Test

The best known test of discovery was in a Land Decision of the Department of the Interior in 1894: Castle v. Womble, 19 LD 455 (1894). This famous "prudent person" test or definition of discovery of a valuable mineral deposit was given as follows:

...where minerals have been found and the evidence is of such a character that a person of ordinary prudence would be justified in the further expenditure of his labor and means, with a reasonable prospect of success in developing a valuable mine, the requirements of the statutes have been met.

Marketability Test

In 1968 the Supreme Court approved, as a complement to the prudent person test of discovery, a pre-existing concept: the marketability test. The marketability test concept has been used by the Department of the Interior for widespread non-metallic minerals since Layman v. Ellis, 52 LD 714 (1929). In Foster v. Seaton, 271 F.2d 836 (DC Cir. 1959) the test was further upheld.

In U.S. v. Coleman, 290 US 602-603 (1968) the Supreme Court ruled:

Under the mining laws Congress has made public lands available to people for the purpose of mining valuable mineral deposits and not for other purposes. The obvious intent was to reward and encourage the discovery of minerals that are valuable in an economic sense. Minerals which no prudent man will extract because there is no demand for them at a price higher than the cost of extraction and transportation are hardly economically valuable. Thus, profitability is an important consideration in applying the prudent-man test, and the marketability test which the Secretary has used here merely recognizes this fact. Indeed, the marketability test is an admirable effort to identify with greater precision and objectivity the factors relevant to a determination that a mineral deposit is "valuable". It is a logical complement to the "prudent-man test" which the Secretary has been using to interpret the mining laws since 1894.

....the prudent-man test and the marketability test are not distinct standards, but are complimentary in that the latter is a refinement of the former. While it is true that the marketability test is usually the critical factor in cases involving nonmetallic minerals of widespread occurrence, this is accounted for by the perfectly natural reason that precious metals which are in small supply and for which there is a great demand, sell at a price so high as to leave little room for doubt that they can be extracted and marketed at a profit.

It is clear that the consideration of economic value and market entry for nonmetallic minerals as well as metallic minerals is a critical factor for discovery. For example, a recent federal 10th Circuit Court Decision in Roberts v. Morton, 549 F.2d 163 (10th Cir. 1977) stated:

...it is still proper here that the Secretary "take into account the economics of the situation." The required showing by a claimant, however, is that at the time of discovery there is a market sufficiently profitable to attract the efforts of a person of ordinary prudence.

The marketability test refers to the ability to market and not necessarily to the current marketing of materials from the claim. Speculative future marketability cannot be relied on, only economic circumstances which are rationally predictable from present known facts must be used. United States v. James J. Heldman et. al, 14 IBLA (Nov. 27, 1973); United States v. Ethel Schell Larson and Minerals Trust Corporation, 9 IBLA 247 (Feb. 2, 1973); United States v. Menzel G. Johnson, 16 IBLA 234 (July 10, 1974); Ideal Basic Industries Inc. v. Morton C.A., 542 F.2d 1364 (9th Cir. 1976).

Therefore, the claimant should show that there is a reasonable prospect of selling material from a claim(s) at a profit. It is not required that material has been sold or is selling at a profit.

New Concepts For the Marketability Test

In 1983 the Interior Board of Land Appeals (IBLA) presented a new concept regarding marketability. In In Re Pacific Coast Molybdenum, 75 IBLA 29 (1983) the Board ruled:

"Present marketability" has never encompassed the examination of either cost or price factors as a specific, finite moment of time, without reference to other economic factors. Rather, the question of whether something is "presently marketable at a profit" simply means that a mining claimant must show that, as a present fact, considering historic price and cost factors and assuming that they will continue, there is a reasonable likelihood of success that a paying mine can be developed. For example, if a claimant has located a deposit of gold which can be mined at a profit, if the price of gold is \$500 an ounce, and the evidence is such that there is a reasonable likelihood of sufficient quantity and quality to justify development, that claim can be deemed valid despite the fact that on any specific day gold may be selling at \$420 an ounce. This is so because a selling price of \$500 an ounce for gold is both within the historic range and expectations of it reaching that level again can be justified as a present matter. On the other hand, if the deposit, because of expenses associated with mining and beneficiation, requires a selling price of \$1,500 an ounce, such a claim does not exhibit present marketability. So elevated a price for gold does not represent any relevant historic range and is essentially based on speculation or unsupported hope. It may be expectation, but it is an unreasonable one given present facts. See United States v. Denison, 76 I.D. 233, 239 (1969).

This means that all concerned parties are not locked into the daily price quote of gold, or other commodities, but can take a perspective view of average and expected prices over an appropriate period of time.

Another new concept that somewhat narrows the appropriate time period for marketability determinations on mineral patents only was put forth in United States v. Norman A. Wittaker (On Reconsideration), 102 IBLA 162 (1988):

Based on our review of the applicable judicial precedents, we have concluded that, as a general matter, where a patent application is involved and final certificate has issued, the question of present marketability must be determined by reference to the date on which the claimant fulfilled all of the prerequisites to the making of the entry, i.e., no later than the date of the issuance of the final certificate.

It is still proper to use the concepts outlined in In Re Pacific Coast Molybdenum 75 IBLA 20-29 (1983) on mineral patent applications. However, the date of issuance of Part I of the Mineral Entry Final Certificate must be kept firmly in mind as a reference date.

The issuance of Part I of the Mineral Entry Final Certificate results in a segregation of the land involved in the mineral patent application from all forms of entry and appropriation. See Scott Burnham 100 IBLA 94; 94 ID 429 (1988), and Scott Burnham (On Reconsideration), 102 IBLA 363 (1988).

These concepts should be applied in all evaluations of discovery and mineral in character for validity and/or mineral patent determinations.

Discovery On Each Claim

Historically the BLM has considered that each claim should have a discovery within its boundaries, even if two or more claims are contiguous. See Ranchers Exploration and Development Co. v. Anaconda Co., 248 F. Supp. 708 (DC Utah 1965).

This concept is not new. In Waskey v. Hammer, 223 US 85, 91 (1912) the court ruled: "discovery without the limits of the claim, no matter what its proximity, does not suffice."

In the case of large, low grade gold deposits or other metal or nonmetallic deposits disseminated or spread over a wide area under numerous mining claims, it is apparent that one claim could not support the large capital investment required to develop such deposits. A group of claims would be necessary to support an economic operation. A large deposit of reasonable quality with an appropriate quantity of material is clearly necessary to successfully develop a mine. The BLM has taken a perspective view of the problem and considers this concept in validity examinations.

The BLM view is supported by a recent decision in Jim D. Schlosser, et. al, v. Verle Pierce et. al., 92 IBLA 109 (June 6, 1986) where the IBLA said:

A bentonite mining claimant is not required to show each claim he has located is capable of independently supporting a paying mine. Rather, marketability of a known bentonite clay deposit, a low-grade, high volume clay material, may be demonstrated by showing the feasibility of mining several claims under a single operations where each claim is shown to contain sufficient mineralization to qualify for inclusion within the mined group.

Also the IBLA said:

...the locator of a bentonite placer mining claim must show the mineral character of each 10-acre tract within the claim.

Physical Exposure Required

Geologic inference (see the Mineral In Character section) will not support a discovery. A valuable mineral deposit must be actually and physically exposed within each mining claim (or group of claims). The mineral may be exposed in trenches, cuts, shafts, audits, and drill cores. Geochemical or geophysical anomalies, unsupported and uncorrelated with physical exposures of mineral cannot be used for discovery.

There are a number of cases that involve the above concept. A recent compelling analysis of the physical exposure requirement came from the Federal court, where it was ruled in McCall v. Andrus, 628 F.2d 1188 (1980):

....proof of "discovery" requires a showing of an explored mineral deposit on the claim while "mineral in character" may be proved by geological inference coupled with marketability.

Most of the acceptable criteria for actual and physical exposure of a mineral is clear. The following conditions may allow drill core and/or cuttings to be acceptable for discovery:

1. Drilling is done by a reputable party or company in which the claimant has no financial or other interest.
2. Adequate and proper logs are taken and maintained.
3. Cores or cuttings are left in proper order, clearly marked for proper identification as to drill hole number, depth, and location.
4. Cores, cuttings, and logs are made available to the government mineral examiner for his inspection.
5. Assay intervals (or chemical or mineral analysis), and certificates of results from a reputable assayer, chemist, or mineralogist are made available to the government mineral examiner.
6. The examiner is allowed to spot check certain intervals of core or cuttings for accuracy of grade.

Mineral in Character and the 10-Acre Rule, for Placer Claims

General

One discovery of a valuable mineral deposit per placer claim is sufficient, whether the claim is 20 acres for an individual placer claim, or 160 acres for an association of eight persons (20 acres per person). However, regulations regarding placer claims require, that after discovery of a valuable deposit has been made, each 10-acre plot be examined for its mineral in character nature (43 CFR 3842). Only those 10-acre plots that are mineral in character can be clear-listed for patent: U.S. v. Meyers, 17 IBLA 313 (1974), U.S. v. Lara, 67 IBLA 48, 50 (1982), and McCall v. Andrus, 628 F.2d 1185 (9th cir. 1980), cert. denied 450 US 996 (1981).

The elements of mineral in character on a placer mining claim are defined as follows:

It is not essential that there be an actual discovery of mineral on the land. It is sufficient to show only that known conditions are such as reasonably to engender the belief that the land contains mineral of such quality and in such quantity as to render its extractions profitable and justify expenditures to that end. Such belief may be predicated upon geological conditions, discoveries of minerals in adjacent land, and other observable external conditions upon which prudent and experienced men are shown to be accustomed to act; Southern Pacific Co., 71 ID 233 (1964).

Style

In U.S. v. Lara (On Reconsideration), 80 IBLA 215 (1984) the IBLA ruled:

In determining whether each 10-acre part of a placer claim is mineral in character, the claim must be subdivided to create square 10-acre parcels, to the extent possible, regardless whether the claim, as laid out on the ground, conforms to the system of public land surveys. This principle was supported by the Ninth Circuit Court of Appeals in U.S. v. Lara, 820 F.2d 1535 (9th Cir. 1987).

Geologic Inference

Mineral in character can be determined through geologic inference which engenders the belief. The essential ingredients are described in the following section from U.S. v. Lundy, A-306724 (June 30, 1967):

....we fail to recognize the distinction the appellant places upon "geological inference" and upon "opinion of experts" who are geologists. To infer suggests the arriving at an opinion by reasoning from known facts or evidence. Thus, it would seem that geological inference is no more than opinion of a geologist inferred or deduced from known and observed geological evidence.

Geologic inference is acceptable for mineral in character determination on each 10-acre plot within any placer claim, but inference must be from a data base and not merely an unsubstantiated opinion. The geologic inference also must show that minerals occur in amounts that could reasonably be expected to be mined at a profit. Thus mineral in character is essentially discovery through geologic inference.

Field Procedures

The BLM field examination preparations and procedures for validity and patent determinations of mining claims are outlined below. A suitable time and date for the field examination is arranged through written notice. The examination date can be postponed for reasonable causes, such as illness, but the field examination cannot be postponed indefinitely. See Table 1 on page 7.

Pre-Exam Data Gathering Preparation and Procedures

1. Examine case file for information and completeness.
2. Obtain and examine legal data, CAMC files, location notices, Notice of Intent (NOI) to Hold or patent, assessment work forms, and encumbrances of title.
3. Check mineral survey and notes.
4. Assemble and examine topographic maps, geologic maps, and air photos.
5. Assemble and examine technical references, geology, mineralization, mining, mineral economics.
6. Obtain and carry mine and trench safety orders (BLM, CSO Im CA-85-263, 4-30-85).
7. Assemble all needed field equipment.
8. Appoint party chief if more than one examiner.

Examination

1. Make arrangements with claimant at least 30 days in advance of field visit.
2. Meet with claimant and discuss examination procedures and practice.
3. Make diligent search for claim corners and discovery monuments.
4. Walk the claim and get a "feel" for it.
5. Prepare geologic map of claim or verify already prepared geologic maps, preferably on topographic map.
 - a. Map and plot physical and surface features--claim monuments, rock units, structures.
 - b. Map and plot mine works and geological features.
 - c. Map and plot underground works--including the geology.
 - d. Take numerous photographs--all claim corners, monuments, geologic and mining features.
6. Analyze discovery area:
 - a. Pay special attention to details; ask claimant to identify areas.
 - b. Prepare or check maps, sketches, conduct sampling, in appropriate manner and at appropriate scales.
7. Work up maps and sketches in field to eliminate need for a return trip. Take proper field notes in proper format.
8. Gather all information possible from claimant, such as reports on technical and economic data, costs.
9. Photograph and sketch all mill and plant facilities; obtain flow sheet if available; make one if not.
10. Write up all data in report with full disclosure for technical reviewer. Confidential data can be summarized, or pertinent parts quoted.

Table 1. Field Examination Schedule For Validity and Patent Determinations of Mining Claims.

LOCATION OF MINING CLAIMS AND SITES

Introduction

Under present State laws, the office of the County Recorder is designated the official place to file notices for mining claims and sites. However, the Federal Land Policy and Management Act (FLPMA) of October 21, 1976, made it a Federal requirement to also file a copy of the notice with the U.S. Department of Interior, Bureau of Land Management (BLM). There are presently about 155,000 mining claims, mill sites and tunnel sites in California on record with the BLM.

Often the mining industry and the general public are confused as to the proper procedures for locating and keeping a mining claim or site. This article, prepared by employees of the BLM, attempts to clarify these procedures and thereby assist all concerned persons. In so doing, the authors combine both Federal and State requirements for locating and recording mining claims, mill sites and tunnel sites, as well as for filing annual proof of labor (assessment work notices). Included in this article are five example forms that can be copied, filled out, and sent to both the appropriate County Recorder (county where the claims/sites are located) and the BLM, California State Office, Sacramento. These example forms are: 1) Lode Mining Claim Location Notice (California), 2) Placer Mining Claim Location Notice (California), 3) Mill Site Location Notice (California), 4) Tunnel Site Location Notice (California), and 5) Assessment Work Notice (California).

Lands Open to Mineral Entry

Mining claim and site locations can be made in the following 19 states: Alaska, Arizona, Arkansas, California, Colorado, Florida, Idaho, Louisiana, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming (43 CFR 3811.2-1).

One may prospect and properly locate claims and sites on vacant government lands administered by the Bureau of Land Management (BLM) or the U.S. Forest Service (USFS), unless that land is already claimed by others or is closed to mineral entry under some special act, regulation, or order.

There is no single map showing the location of all mining claims and sites. The interested reader is faced with a tedious but important chore in trying to find out what land is open for mineral entry. Rather than looking randomly it is better to find a general area of interest, obtain the legal description (meridian, township, range, section, lot, and so forth), then go to a local BLM office or the BLM State Office Public Room in Sacramento and check maps, records, and files. California Mining Claim (CA MC) records are on file only in the State Office. Ultimately, the prospector must check for claim markings on the ground.

Who May Locate Mining Claims and Sites

Under appropriate laws of the United States a mining claim is a particular piece of land, valuable for specific mineral deposits to which a person(s) asserts a right of possession for the purpose of developing and extracting a valuable mineral deposit.

The Code of Federal Regulations (43 CFR 3832) tells who may make locations:

Citizens of the United States, or those who have declared their intention to become such, including minors who have reached the age of discretion and corporations organized under the laws of any State, may make mining locations (also site locations). Agents may make locations for qualified locators.

Non-citizens (aliens) filing and holding mining claims are in a special category. Recently, Corbin (1988, p.173) has outlined some of the particulars in regard to aliens and their holding of mining claims. The following section is from his paper.

If an alien should locate a claim, his rights to the claim are not void but voidable, as he is subject to losing his rights only by government action. (Manual v. Wulf, 152 U.S. 505 (1894)). For example, a locator who stakes a claim over a prior locator who is not a United States citizen and has not declared his intention to become such is not entitled to assert priority. (Herrington v. Martinez, 45 F.Supp. 543 (D.C. Cal. 1945)). If a mining claim is located by an alien and the alien subsequently declares his intention to become a citizen and no adverse rights have been initiated, such declaration relates back to the date of location of acquisition of the alien's interest and validates the location. (Shea v. Nilima, 133 Fed. 209 (1904)). An alien may own unpatented mining claims and protect his rights through adverse proceedings, but is not qualified to obtain a patent. (Ginaca v. Peterson, 262 Fed. 904 (1920)).

There is no limit to the number of claims or sites a person(s) or corporation may hold or acquire, - St. Louis Smelting and Refining Co. v. Kemp, 104 U.S. 636 (1882). Technically, however, there must be a discovery of a valuable mineral deposit on each mining claim for it to be valid (see Evans, Waiwood, and Reid, 1986, p. 219-221 for a discussion of discovery, and how in the case of some disseminated metal deposits discovery may be applied to a group of claims).

Requirements for Mining Claim and Site Locations

General

Strictly speaking a location is not the same as a mining claim. Definitions for lode and placer mining claims were given on page one so it remains to discuss the term location. Location of a mining claim is the act of performing the necessary tasks to appropriate the land claimed according to applicable laws and regulations. St. Louis Smelting Company v., Kemp, 104 U.S. 636 (1881).

The following sections describe the methods and procedures used to properly locate a mining claim or site. As California laws supplement Federal laws and regulations, and both are required, the following sections will include a discussion of both.

Marking Claim and Site Boundaries

It is important to know that unless a mining claim or site is properly located and marked it is invalid. Locations should be distinctly marked on-the-ground so that boundaries can be readily traced and corners found. There are legal exceptions to this statement for placer claims and mill sites layed out on the U.S. Public Land Survey Grid showing townships, Ranges, and Section lines. In this case only the discovery or location post with properly attached notices are required. Even where not required by law it is still a good idea to mark your corners and boundaries so they are clearly evident to others.

Three types of discovery, corner, end, and location monuments are considered prima facie marking by State law (Figure 1C). This does not mean that other monuments cannot be used, but the claimant must show that they are conspicuous and substantial. Where ground is hard to dig into and/or abundant loose rocks are not readily available another type of monument is suggested by J.R. Evans. Brightly colored PVC (plastic) pipe at least 3 feet long and 3 inches in diameter with a supporting base can be erected. The pipe is filled to within about 6 inches of the top with sackcrete after mixing with water in a wheel-barrow or other container. More sackcrete is poured around the pipe base to sturdy the foundation (along with a few rocks if available). A plastic bottle with a water-tight lid and with a copy of the appropriate notice can then be set in the top of pipe, and a plastic cap placed on it.

If ground conditions cause problems in placing monuments remember the privileges of the Cal. Pub. Res. Code, Chap. 4, Sec. 2316 where it is stated:

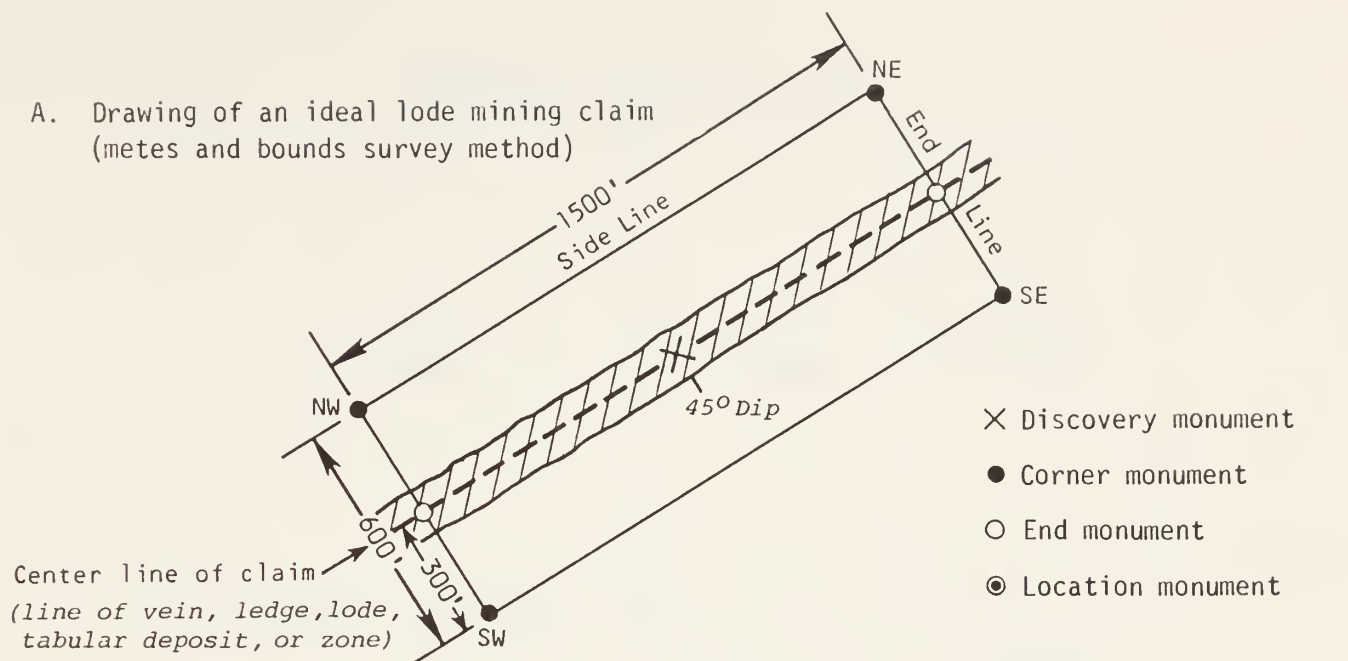
(b) Where by reason of precipitous ground, it is impractical or dangerous to place a monument in its true position, a witness monument may be erected as near thereto as the nature of the ground will permit and marked so as to identify the true position.

(c) Where by reason of working the claim, it is impractical or dangerous to maintain a monument in its true position, a witness monument shall be erected as near thereto as the nature of the ground will permit and marked so as to identify the true position.

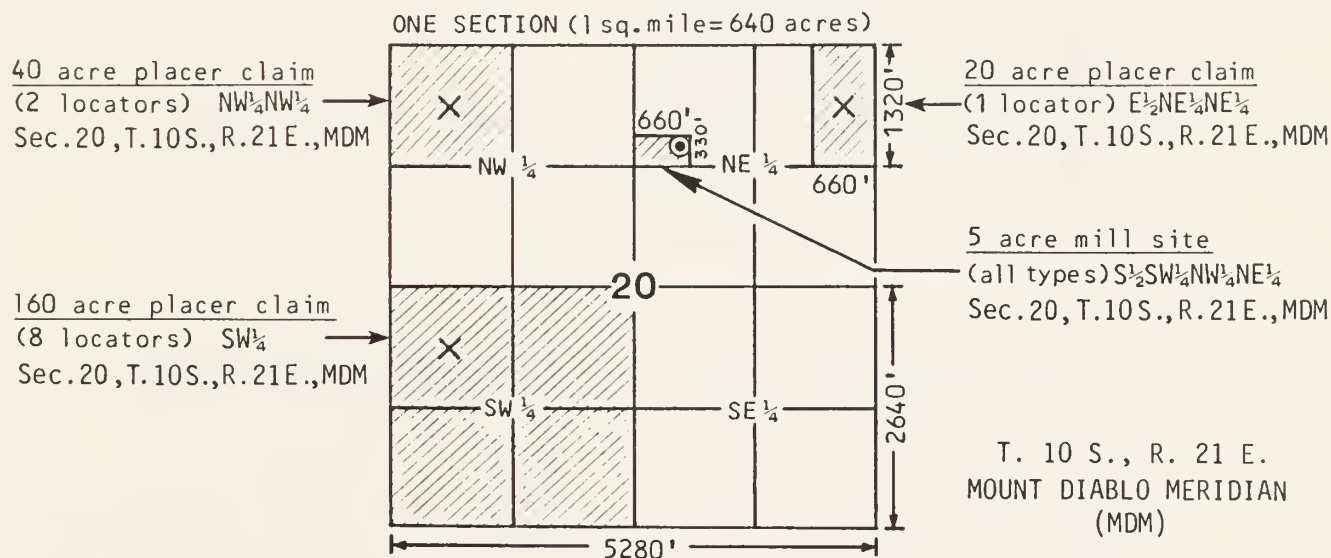
Lode Mining Claims and Notices (California)

A diagram of an ideal lode mining claim is given in Figure 1A. Figure 2 shows diagrams of the aliquot parts of a section of land and how townships and meridians are layed out. It is to assist the claimant in plotting a claim. A sample Lode Mining Claim Location Notice (California) is shown in Figure 3. Regulations regarding Figures 1 and 4 may be found in 43 CFR 3830, and 3840, and the California Public Resources Code, Chap. 4, Div. 2, Sec. 2301 and 2302. By way of summary of the information asked for in Figure 4 the following important points are given:

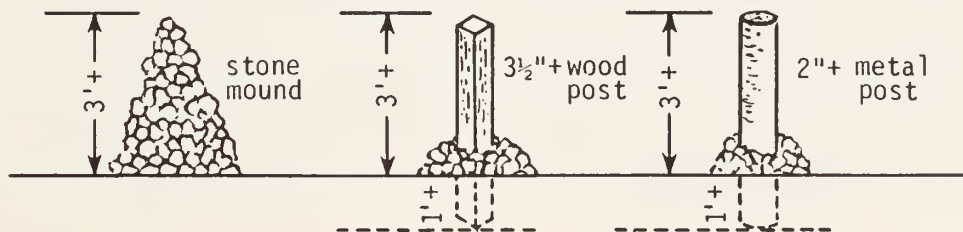
1. Remember that a conspicuous and substantial monument must be placed at the discovery site, at the center of each end line, and at all four corners of the claim.



B. Drawing of a section of land showing types of placer mining claims (PMC) and a mill site (MS). The legal description method is based on the U.S. Public Land Survey



C. State law suggests prima facie conspicuous and substantial monuments (Cal. Pub. Res. Code, Chap. 4, Sec. 2316) for all types of claims and sites



Other monuments can be used as long as they are conspicuous and substantial

Figure 1—Methods of describing and monuminting mining claims and mill sites in California.

Diagram of a section of land

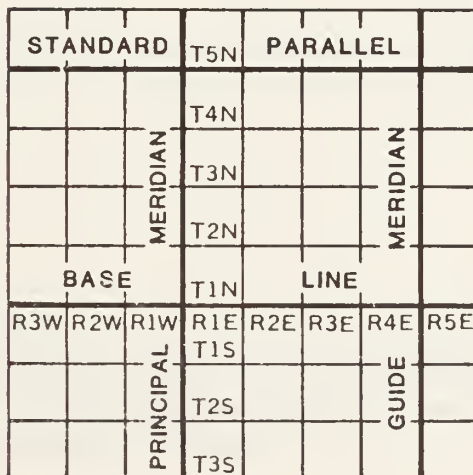
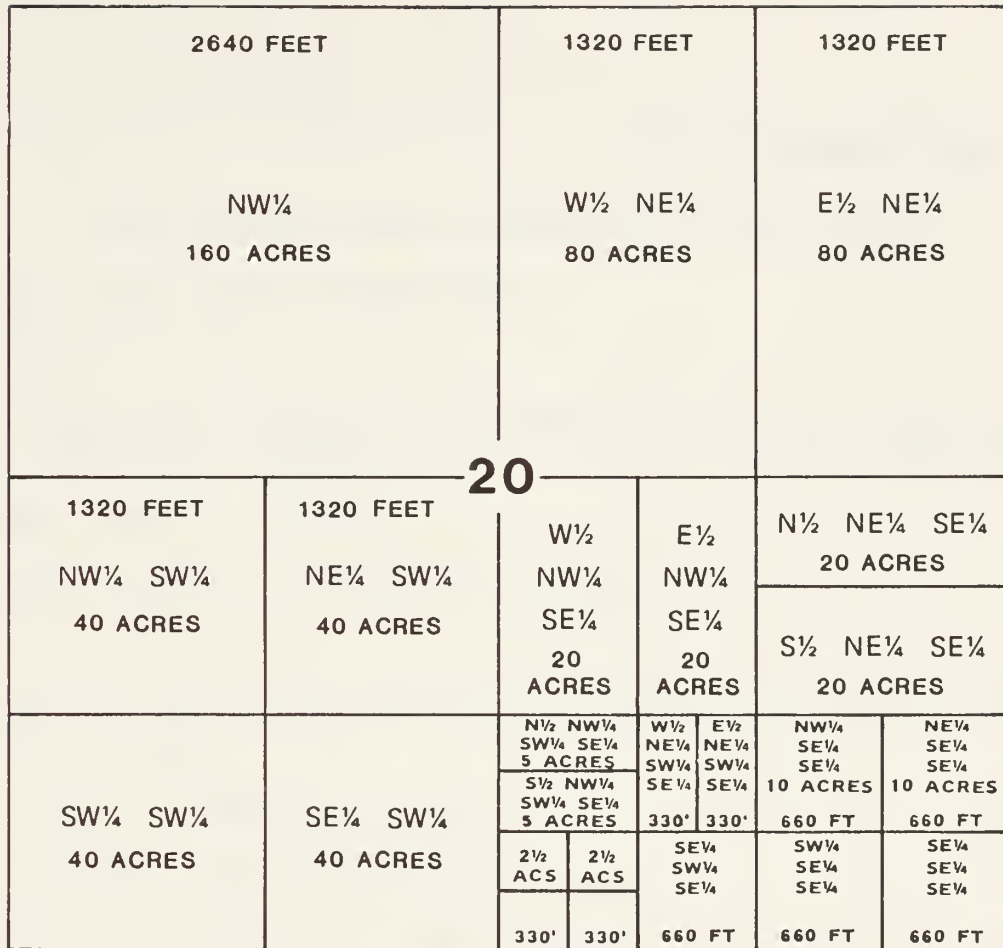


Diagram showing division of tract into Townships



Sectional map of Township showing adjoining Sections

Figure 2 – Diagrams showing arrangement of townships, ranges, sections, and subdivisions of sections.

RECORDING REQUESTED BY:
(Mail recording to:)

Name _____

Address _____

FOR RECORDER'S USE

LODE MINING CLAIM LOCATION NOTICE (CALIFORNIA)

To whom it may concern, please take notice that:

1. Lode mining claim name is _____.
2. Date of location (date a conspicuous and substantial discovery monument was erected and location notice was posted in or on it) of the lode mining claim is _____.
(month) (day) (year)
3. Description of the discovery monument is as follows: _____

4. Lode mining claim is located in the following quarter-section(s), section(s), township(s), range(s), and meridian:

NE $\frac{1}{4}$ <input type="text"/>	NW $\frac{1}{4}$ <input type="text"/>	SW $\frac{1}{4}$ <input type="text"/>	SE $\frac{1}{4}$ <input type="text"/>	Sec. _____	T. _____	R. _____	Mer. _____
NE $\frac{1}{4}$ <input type="text"/>	NW $\frac{1}{4}$ <input type="text"/>	SW $\frac{1}{4}$ <input type="text"/>	SE $\frac{1}{4}$ <input type="text"/>	Sec. _____	T. _____	R. _____	Mer. _____
NE $\frac{1}{4}$ <input type="text"/>	NW $\frac{1}{4}$ <input type="text"/>	SW $\frac{1}{4}$ <input type="text"/>	SE $\frac{1}{4}$ <input type="text"/>	Sec. _____	T. _____	R. _____	Mer. _____
NE $\frac{1}{4}$ <input type="text"/>	NW $\frac{1}{4}$ <input type="text"/>	SW $\frac{1}{4}$ <input type="text"/>	SE $\frac{1}{4}$ <input type="text"/>	Sec. _____	T. _____	R. _____	Mer. _____
5. The discovery site as described by reference to some natural object or permanent monument so that the site can be readily found on the ground is as follows:

6. The number of linear feet claimed in length (not to exceed 1,500 feet) along the course of the vein (or lode, ledge, tabular deposit or zone), and the number of feet in length each way from the point of discovery; with the width of the claim (not to exceed 300 feet) on each side of the center of the claim is:

Figure 3. Lode Mining Claim Location Notice (California).

7. The general course of the vein (lode, ledge, tabular deposit or zone) is by compass direction _____.
- 8A. The undersigned locator(s) within 60 days after the date of location (see No. 2) have defined the boundaries of the claim by erecting at each corner of the claim and at the center of each end line, or nearest accessible points thereto, a conspicuous and substantial monument, and each corner monument so erected bears or contains markings sufficient to appropriately designate that corner of the claim and the name of the claim.
- 8B. The date of monument erection and marking is _____.
(month) (day) (year)
- 8C. Description of each monument is as follows _____

9. Attach to this Notice an appropriate U.S. Geological Survey topographic map showing a sketch of the outline of the lode mining claim.
10. Lode mining claim is in _____ County.
11. Locator(s) of this lode mining claim are: (Please Print)

<u>Name(s)</u>	<u>Current Mailing or Residence Address</u>
_____	_____
_____	_____
_____	_____
_____	_____

12. Signatures of locator(s):

_____	Date _____	_____	Date _____
_____	Date _____	_____	Date _____
_____	Date _____	_____	Date _____
_____	Date _____	_____	Date _____

FILE THIS ORIGINAL NOTICE WITH THE APPROPRIATE COUNTY RECORDER (within 90 days of the date of location), AND FILE A DUPLICATE NOTICE (within the same 90 days) with the Bureau of Land Management, California State Office, Federal Office Building, Room E-2841, 2800 Cottage Way, Sacramento, California 95825.

Figure 3 (Cont'd).

2. Mining claim name, date of location, geographic location, posting data, and description of the discovery monument and its relation to some permanent monument are completed for Items 1 through 5, 9 and 10 on Figure 4. Mark a check in the appropriate box in Item 4 for the quarter section(s) in which the claim is located. Also, record the section(s), township(s), range(s), and meridian (such as San Bernardino - SBM, Mt. Diablo - MDM, or Humboldt - HM). See Figure 4 for the way to outline your claims on a U.S. Geological Survey Map (Item 9). Make sure that your claim location is properly plotted on the map and that this location matches the location under Item 4. Remember that the date of location is the date of the erection and posting of the discovery monument, and not the filing date of the Notice.
3. General information concerning the claim, the deposit, and the erection of the corner and end monuments are completed for Items 6, 7 and 8. A lode mining claim cannot be more than 1,500 feet long and 600 feet wide. It should be centered along the course of the vein, lode, ledge, or tabular deposit or zone (Figure 1A). Claim boundary lines must be regular, straight, and parallel, except where not possible such as where filling in a small irregular space between other claims or private lands (see 43 CFR 3841.4-3 for detail). End lines of claims must be parallel in order to acquire underground extralateral rights.

Extralateral rights are only for lode claims where a discrete vein (or other) outcrops on the surface and dips downward at an angle from the vertical and passes beyond the claim side lines (not the end lines) at depth. Therefore, the claimant(s) involved may have rights to that portion of the vein (or other) that continues underground past the vertically extended side lines of the claim.

In Item 8 it is important to note the time frame of 60 days to erect posted corners and end monuments. We strongly recommend that the claimant(s) erect these posted monuments at the same time the discovery monument is erected and posted. Also be sure to identify the claim corners as NE $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$, and SW $\frac{1}{4}$.

4. Print or type in Item 11, and sign and date under Item 12.
5. Carefully read the material that follows Item 12.

We also strongly recommended that the claimant keep a field notebook with certain pertinent records, names of witnesses and appropriate dates. Included in this notebook should be pictures of all monuments, their description, and their dates of erection and posting.

Placer Mining Claims and Notices (California)

Only one discovery and location notice is necessary for a placer mining claim whether it is of 20 acres, or an association placer mining claim of as much as 160 acres (the maximum allowed by law and requiring a minimum of 8 claimants). An association placer mining claim requires one party of interest for each 20 acres until the maximum of 160 acres is reached. Therefore, an association placer mining claim of 80 acres requires 4 claimants. Corporations cannot locate association placer mining claims, but can locate individual 20 acre claims.

MESCAL RANGE QUADRANGLE
CALIFORNIA—SAN BERNARDINO CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

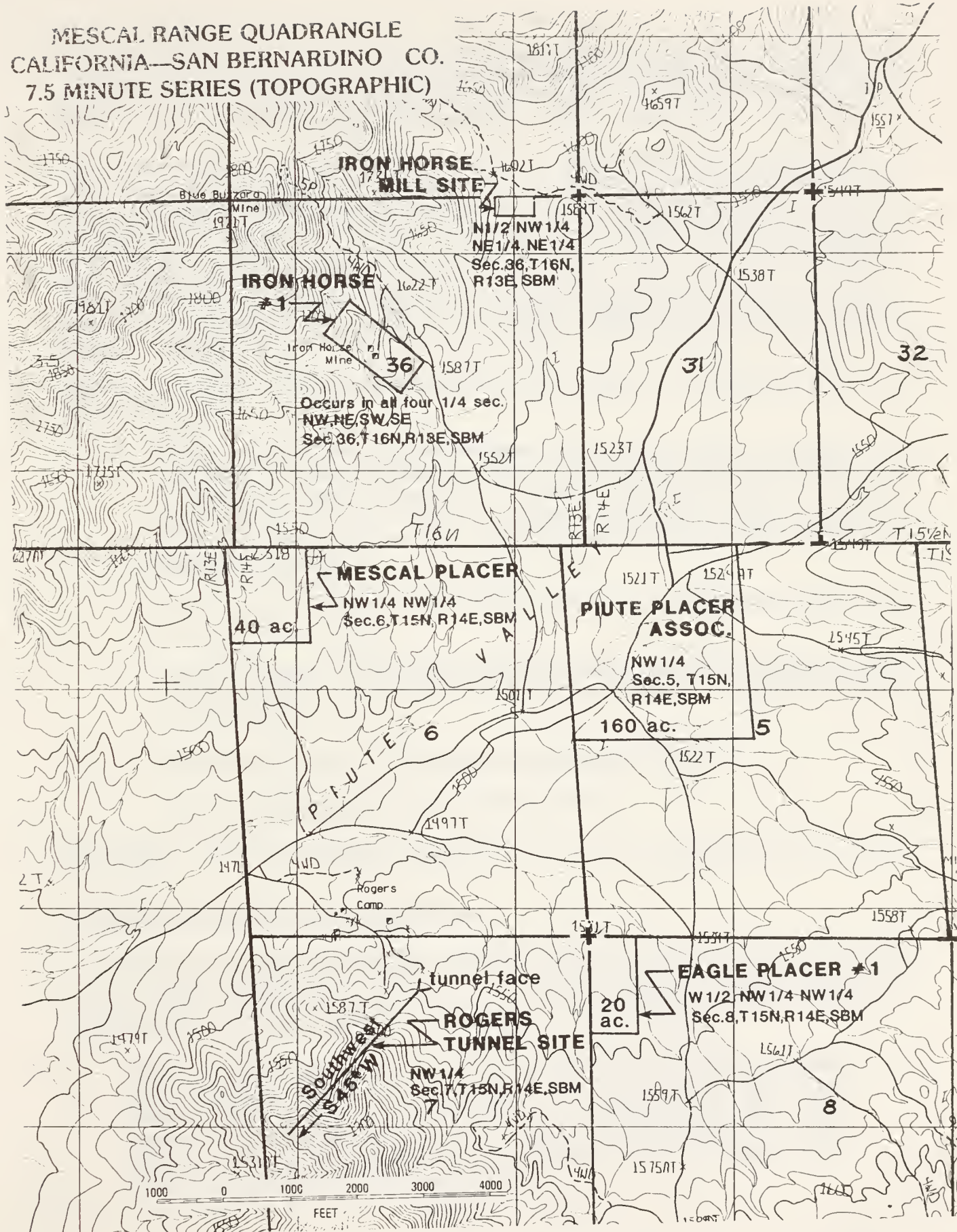


Figure 4 – U.S. Geological Survey topographic map with added sketches of hypothetical mining claims and sites.

All placer mining claims must conform as near as possible with the U.S. System of Public Land Surveys and the rectangular subdivisions of these surveys, whether the locations are on surveyed or unsurveyed lands (see 43 CFR 3842.1-5 for details). Diagrams of some of these placer mining claims are shown in Figures 1B and 4.

Where there is NO U.S. Land Survey in the area a placer claim must be located in the same manner as a lode claim. There must be a discovery monument in any event, but in addition, all corners must be monumented and posted, and boundaries must be marked so they can be readily traced. Where a U.S. Land Survey has been extended over the subject land, the claim may be taken by legal subdivisions through aliquot part description (i.e.: E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3., T. 13 N., R 10 E., MDM). In this case corner monuments are not required. It is here recommended, however, that a claimant place posted end monuments to avoid any confusion and possible overfiling by other persons (see Cal. Pub. Res. Code, Chap. 4, Div. 2, Sec. 2303 for details).

By way of summary of the information asked for in Figure 5 the following important points are given:

1. Mining claim name, date of location, geographic location, posting data, description of discovery monument, and the number of acres claimed are completed for Items 1 through 4, 7, 8 and 9. See Figures 1B, 2, and 4 for help in filling out Items 4 and 7. Make sure that your claim is properly plotted on the topographic map (Item 7) and that this location matches the location under Item 4.
2. Items 5 and 6 are filled out only if the claim is in an area where there is no U.S. Public Land Survey.
3. Read the section on Placer Mining Claims In Powersite Withdrawals to see if you need to fill out Item 10. If you do not, mark NA for not applicable in the space provided.
4. Print or type in Item 11, and sign and date under Item 12.
5. Read the material carefully that follows Item 12.

Read again the recommendations under Item 5 in the Lode Mining Claim Section (page 15).

Elongate and Gulch Placer Mining Claims

As mentioned on page 15 all placer mining claims must conform as near as possible with the legal subdivisions of the U.S. Public Land Survey. However, some placer mining claims can be located that do not comply strictly with the legal subdivisions. Requirements for these claims are set out at 43 CFR 3842.1-5(c):

Where a placer location by one or two persons can be entirely included within a square 40-acre tract, by three or four persons within two square 40-acre tracts placed end to end, by five or six persons within three square 40-acre tracts, and by seven or eight persons within four square 40-acre tracts, such locations will be regarded as within the requirements where strict conformity is impracticable.

RECORDING REQUESTED BY:
(Mail recording to:)

Name _____
Address _____

FOR RECORDER'S USE

PLACER MINING CLAIM LOCATION NOTICE (CALIFORNIA)

To whom it may concern, please take notice that:

1. Placer mining claim name is _____.
2. Date of location (date a conspicuous and substantial location monument was erected and location notice posted in or on it) of this placer mining claim is _____.
(month) (day) (year)
3. Description of the discovery monument is as follows: _____
_____.
4. Placer mining claim IS IN an area where there is a U.S. Public Land Survey and the description of the claim by legal subdivision including aliquot part (A.P.) of section (such as E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$), section (Sec.), Township (T.), Range (R.) and meridian (Mer.), is as follows:

A.P. _____, Sec. _____, T. _____, R. _____, Mer. _____.
A.P. _____, Sec. _____, T. _____, R. _____, Mer. _____.
A.P. _____, Sec. _____, T. _____, R. _____, Mer. _____.
A.P. _____, Sec. _____, T. _____, R. _____, Mer. _____.

5. Placer mining claim IS NOT IN an area where there is a U.S. Public Land Survey, is marked by conspicuous and substantial monument at each claim corner, and is located by properly marked boundaries described below in reference to some natural object:

Natural object is (description) _____, and it is by compass direction _____, about _____ feet to the discovery monument. From the discovery monument it is by compass direction _____, about _____ feet to the NW corner post; from here it is by compass direction _____, about _____ feet to the NE corner post; from here it is by compass direction _____, about _____ feet to the SE corner post; from here it is by compass direction _____, about _____ feet to the SW corner post; from here it is by compass direction _____, about _____ feet to the NW corner post.

- 6A. The undersigned locator(s) have defined the boundaries of the claim by erecting at each corner of the claim, or nearest accessible points thereto, a conspicuous and substantial monument and each corner monument so erected bears or contains markings sufficient to appropriately designate the corner of the claim and the name of the claim.

Figure 5. Placer Mining Claim Location Notice (California).

6B. The date of monument erection and marking is _____.
(month) (day) (year)

6C. Description of each monument is as follows _____

7. Attach to this Notice an appropriate U.S. Geologic Survey topographic map showing a sketch of the outline of the placer mining claim.

8. Placer mining claim is in _____ County.

9. Placer mining claim contain(s) _____ acres.

10. If your placer mining claim is in a powersite withdrawal as determined from BLM Master Title Plat records, write "Filed under P.L. 359" on this line _____

11. Locator(s) of this placer claim are: (Please Print)

Name(s)

Current Mailing or Residence Address

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

12. Signatures of locator(s):

_____	Date _____	_____	Date _____
_____	Date _____	_____	Date _____
_____	Date _____	_____	Date _____
_____	Date _____	_____	Date _____

FILE THIS ORIGINAL NOTICE WITH THE APPROPRIATE COUNTY RECORDER (within 90 days of the date of location), AND FILE A DUPLICATE NOTICE (within the same 90 days) with the Bureau of Land Management, California State Office, Federal Office Building, Room E-2841, 2800 Cottage Way, Sacramento, California 95825.

See also Snow Flake Fraction Placer, 37 LD 250 (1908), and the section on contiguous placer claims under the section on Location Notices and Filing Fees (page 31), and Figure 9 for more information on this subject.

Unusually long placer mining claims called gulch placers rarely can be located, and only in a certain special environment. The length requirements mentioned above can be waived where "mineral deposits are confined within a narrow strip of land in the bed and on the banks of a small stream in a canyon flanked by abrupt walls or rocky slopes on each side, containing no mineral, agricultural or timber values." See William F. Carr, 53 ID 431 (1931).

Gulch placer mining claims are located by the metes and bounds system as are lode mining claims. Side and end lines should be straight and parallel, and the discovery monument keyed to some natural object. See page 10, and Items 5 and 6 on Figure 5.

In the Interior Decision regarding Carr, a placer mining claim a little over a mile in length was allowed because it met the stringent requirements for a gulch placer mining claim. We strongly emphasize, however, that true gulch placer deposits are very rare, and a claimant should consult a mining lawyer before locating one. Nearly always a valuable placer deposit can be located by other types of placer mining claims.

Claimants should remember the caution given in 43 CFR 3842.1-5(d):

Claimants should bear in mind that it is the policy of the government to have all entries whether of agricultural or mineral lands as compact and regular in form as reasonably practicable, and that it will not permit or sanction entries or locations which cut the public domain into long narrow strips or grossly irregular or fantastically shaped tracts. (Snow Flake Fraction Placer, 37 LD 250).

Remember that "whether a placer location conforms reasonably with the legal subdivisions of the public survey is a question of fact to be determined in each case, and no location will be passed to patent without satisfactory evidence in this regard" - 43 CFR 3842.1-5(d).

Placer Mining Claims in Powersite Withdrawals

Prior to the passage of Public Law 359, the Mining Claims Rights Restoration Act of August 11, 1955 (30 USC 621), powersite lands were not open to location of mining claims and sites. This Act opened powersite lands to location under certain circumstances.

Lands under powersite withdrawal can be determined from BLM Master Title Plat records (see section on Master Title Plats, page 48). These records are available in the BLM District and Area Offices as well as the California State Office in Sacramento.

In regard to placer mining claims the Restoration Act in section 621(b) states as follows:

The locator of a placer claim under this Act, however, shall conduct no mining operations for a period of sixty days after the filing of a notice of location pursuant to section 4 of this Act. If the Secretary of the Interior,

within sixty days from the filing of the notice of location, notifies the locator by registered mail of the Secretary's intention to hold a public hearing to determine whether placer mining operations would substantially interfere with other uses of the land included within the placer claim, mining operations on that claim shall be further suspended until the Secretary has held the hearing and has issued an appropriate order. The order issued by the Secretary of the Interior shall provide for one of the following: (1) a complete prohibition of placer mining; (2) a permission to engage in placer mining upon the condition that the locator shall, following placer operations, restore the surface of the claim to the condition in which it was immediately prior to those operations; or (3) a general permission to engage in placer mining.

Proper filing under the Act is accomplished by making a notation on the Placer Mining Location Notice (California) under Item 10, Figure 5 "filed under P.L. 359".

Mill Sites and Notices (California)

Under mining laws and regulations the owner(s) of a valid mining claim can in good faith locate as much as 5 acres of non-mineral land as a mill site for proper mill site uses. Also, the owner(s) of a custom quartz mill or reduction works, independent of any mining claim, may locate as much as 5 acres of non-mineral land as a mill site (see 30 USC 42, and 43 CFR 3844).

Therefore, there are three types of mill sites:

1. Dependent mill sites used in connection with lode claims
2. Dependent mill sites used in connection with placer claims
3. Independent or custom mill sites.

A dependent mill site must be located in good faith on non-mineral land, be no more than 5 acres in area, be attached to valid lode or placer claims, (see United States v. Kurelich, 54 IBLA 124 (1981) and cases cited therein) and be in nearly continuous acceptable use. Consideration as to actual use on a 5-acre mill site should generally be limited to each 2[acre aliquot part under the "2[acre rule" - see United States v. Elmer H. Swanson, Livingston Silver, Inc. 93 IBLA 37 (1986). If an independent mill site is located, a quartz mill or reduction works must be built. Also, annual assessment work is not required for a mill site but the annual filing of an Intent to Hold the mill site is required.

The following are some proper and improper uses for dependent mill sites:

Proper Use

- Mill and processing buildings
- Mine and overburden dumps
- Mine tailings
- Living quarters for mill workmen
- Blacksmith shop and tool houses
- Well sinking and construction of water works

Improper Use

- Access roads
- Reclamation work
- Loosely proposed intention for some future use
- Storage of equipment unrelated to mining
- Structures or dwellings unrelated to mining or milling

A mill site is located and marked as are placer mining claims, either on the Public Land Survey, or by metes and bounds (see the Section on Placer Mining Claims, Figures 1B, 2, 3, and Cal. Pub. Res. Code Chap. 4, Div. 2, Sec. 2312).

Figure 6 shows an example of a Mill Site Location Notice (California). By way of summary of the information asked for in Figure 6 the following important points are given:

1. Mill site name, date of location, geographic location, posting data, description of location monument, and the number of acres claimed are completed for Items 1 through 4, 7, 8, and 9. See Figures 1B, 2 and 3 for help in completing Items 4 and 7. Make sure that your site is properly plotted on the topographic map (Item 7) and that this location matches the location under Item 4. A location monument is not a discovery monument and, therefore, can be placed anywhere on the mill site. It must be properly posted, however.
2. Items 5 and 6 are to be completed only if the claim is in an area where there IS NO U.S. Public Land Survey.
3. Item 10 is checked according to the type of mill site (see above) located.
4. Complete Item 11 by typing or printing, and sign and date under Item 12.
5. Read the material carefully that follows Item 12.

Read again the recommendations under Item 5 in the Lode Mining Claim Section (page 15).

Tunnel Sites and Notices (California)

The Mining Law of 1872 established the right to locate tunnel sites as a means of exploration for "blind" veins or lodes not previously known to exist as of the date of location of the tunnel. See 43 CFR 3843 for current Federal regulations regarding tunnel sites. A tunnel site is really a sort of right-of-way rather than a mining claim.

The owner of a tunnel site has the right to locate a lode mining claim, on any "blind" lodes or veins cut, discovered, or intersected in the tunnel. Any lode mining claims located for veins discovered in the tunnel will date back to the date of location of the tunnel site. The term "blind" refers to lodes or veins that do not appear on the surface. The locator of the tunnel has the exclusive right to explore 3,000 feet from the face or point of commencement of the tunnel (in a straight line). The term "face" refers to the first working face formed in the tunnel and signifies the point at which the tunnel actually enters cover.

Failure to prosecute work on the tunnel with "reasonable diligence" for six months shall be considered as an abandonment of the right to all undiscovered veins or lodes found across the line of the tunnel. Lode mining claims located by other parties after commencement of the tunnel for lodes not appearing at the surface and within the area located for the tunnel, are invalid. Also, tunnel sites cannot be amended into lode claims because they are not mining claims. A mineral patent is not issued for a tunnel site, but it is possible to patent a lode mining claim for a blind vein or lode discovered in the tunnel.

RECORDING REQUESTED BY:
(Mail recording to:)

Name _____
Address _____

FOR RECORDER'S USE

MILL SITE LOCATION NOTICE (CALIFORNIA)

To whom it may concern, please take notice that:

1. Mill site name is _____.
2. Date of location (date a conspicuous and substantial location monument was erected and location notice posted in or on it) of this mill site is _____.
(month) (day) (year)
3. Description of the location monument is as follows: _____

4. Mill site IS IN an area where there is a U.S. Public Land Survey and the description of the claim by legal subdivision including aliquot part (A.P.) of section (such as S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$), section (Sec.), Township (T.), Range (R.) and meridian (Mer.), is as follows:

A.P. _____, Sec. _____, T. _____, R. _____, Mer. _____.
A.P. _____, Sec. _____, T. _____, R. _____, Mer. _____.
A.P. _____, Sec. _____, T. _____, R. _____, Mer. _____.
A.P. _____, Sec. _____, T. _____, R. _____, Mer. _____.

5. Mill site IS NOT IN an area where there is a U.S. Public Land Survey, is marked by conspicuous and substantial monument at each claim corner, and is located by properly marked boundaries described below in reference to some natural object:

Natural object is (description) _____, and it is by compass direction _____, about _____ feet to the discovery monument. From the discovery monument it is by compass direction _____, about _____ feet to the NW corner post; from here it is by compass direction _____, about _____ feet to the NE corner post; from here it is by compass direction _____, about _____ feet to the SE corner post; from here it is by compass direction _____, about _____ feet to the SW corner post; from here it is by compass direction _____, about _____ feet to the NW corner post.

6. Description of each monument is as follows: _____

Figure 6. Mill Site Location Notice (California).

7. Attach to this Notice an appropriate U.S. Geologic Survey topographic map showing a sketch of the outline if the mill site.

8. Mill site is in _____ County.

9. Mill site contains _____ acres.

10. Mill site is: ☐ Independent

☐ Used in connection with placer claim(s).

☐ Used in connection with lode claim(s).

11. Locator(s) of this mill site are: (Please Print)

Name(s)

Current Mailing or Residence Address

_____	_____
_____	_____
_____	_____
_____	_____

12. Signatures of locator(s):

_____	Date _____	_____	Date _____
_____	Date _____	_____	Date _____
_____	Date _____	_____	Date _____
_____	Date _____	_____	Date _____

FILE THIS ORIGINAL NOTICE WITH THE APPROPRIATE COUNTY RECORDER (within 90 days of the date of location), AND FILE A DUPLICATE NOTICE (within the same 90 days) with the Bureau of Land Management, California State Office, Federal Office Building, Room E-2841, 2800 Cottage Way, Sacramento, California 95825.

The following Federal and State procedures should be followed when locating a tunnel site on the ground (See Figures 4 and 7) and in completing the data required on Figure 8.

1. Give proper notice of the tunnel location by erecting and describing a conspicuous and substantial monument at the face or point of commencement of the tunnel, and record the date (Items 2 and 3, on Figure 8).
2. Post a copy of Figure 8 on the monument with the following information:
 - a. Tunnel site name (Item 1).
 - b. Name(s), current mailing address, or current residence address(s) of the locator(s) (Item 11).
 - c. Date of location, which shall be the date of posting of such notice (Cal. Pub. Res. Code Chap. 4, Div. 2, Sec 2308 (b)) (Item 2).
 - d. Actual or proposed course or direction of the tunnel (Item 7).
 - e. Height and width of the tunnel (Item 8).
 - f. The course and distance from the face or point of commencement of the tunnel to some permanent well-known object in the vicinity to establish the position of the tunnel (Item 5).
 - g. Give the date that the line (compass direction) of the tunnel was marked by placing a conspicuous and substantial monuments along it on the surface, at an interval of not more than 600 feet, to the end of the tunnel line, 3,000 feet from the face. Describe the monuments (Item 9).
 - h. Complete tunnel site location data (Items 4 and 6, and 10). Mark a check in the appropriate box in Item 4 for the quarter-section(s) in which the tunnel site is located. Also, record the section(s), township(s), range(s), and meridian (such as San Bernardino - SBM, Mt. Diablo - MDM, or Humboldt - HM). See Figure 3 for help in sketching out the tunnel course on a topographic map. Make sure that your site location is properly plotted on the map and that this location matches the location under Item 4.
 - i. Be sure that you print or type in Item 11, and sign and date under Item 12; carefully read material below Item 13.

Read again the recommendations under Item 5 in the Lode Mining Claim Section (page 15).

A Word of Caution

Any person who willfully makes a false statement with respect to any mining claim on the posted location notice or on the recorded notice shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding one hundred dollars (\$100) or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment (Public Resources Code of California, Chap. 4, Div. 2, Sec. 2313a).

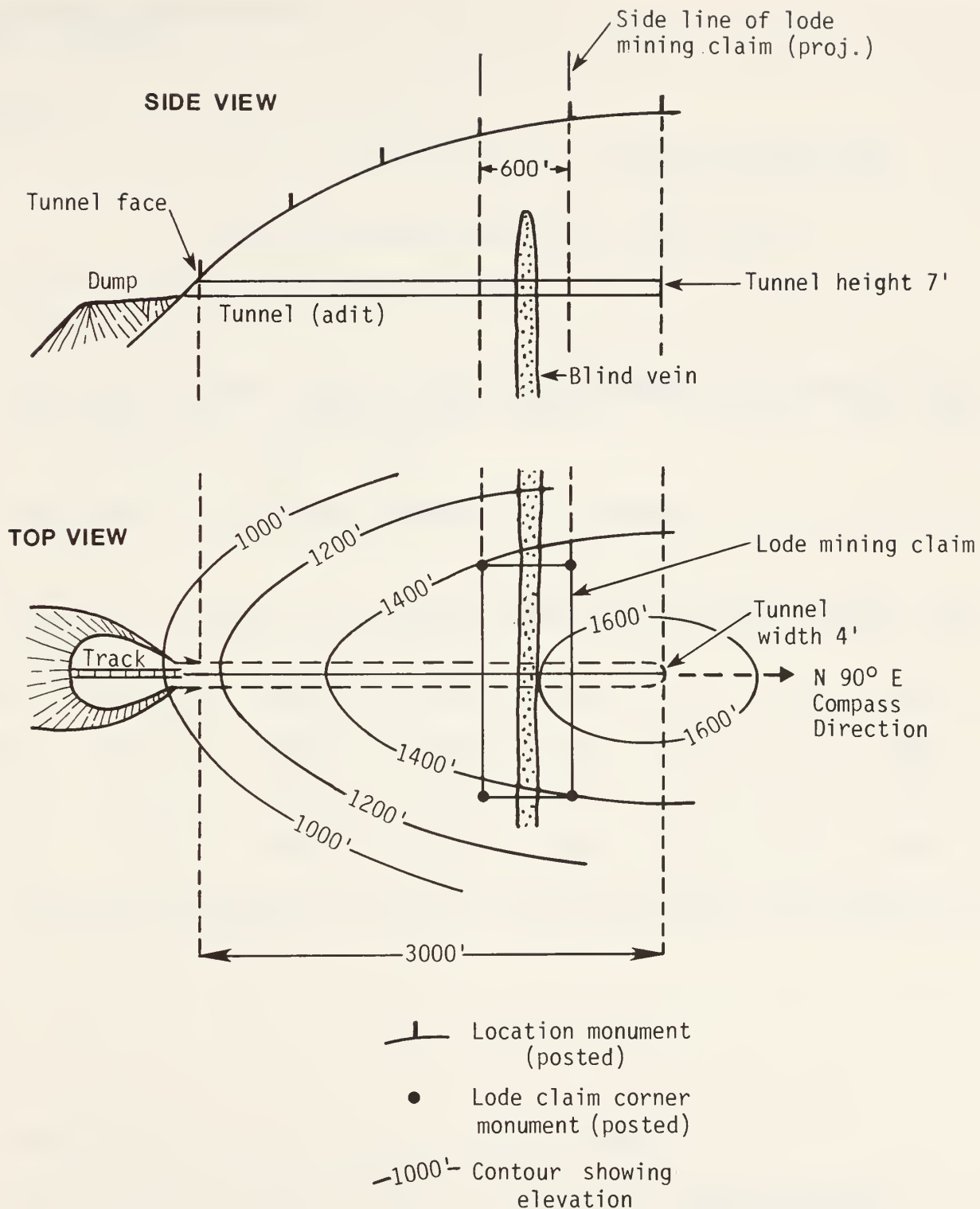


Figure 7—Ideal tunnel site location showing an encountered blind vein and subsequently located lode mining claim (see Figure 1A).

RECORDING REQUESTED BY:
(Mail recording to:)

Name _____
Address _____

FOR RECORDER'S USE

TUNNEL SITE LOCATION NOTICE (CALIFORNIA)

To whom it may concern, please take notice that:

1. Tunnel site name is _____.
2. Date of location (date a conspicuous and substantial location monument was erected at the tunnel face and a location notice posted in or on it) of this tunnel site is _____.
(month) (day) (year)
3. Description of the location monument is as follows: _____

4. Tunnel site is located in the following quarter-section, section, township, range, and meridian:

NE $\frac{1}{4}$ <input type="text"/>	NW $\frac{1}{4}$ <input type="text"/>	SW $\frac{1}{4}$ <input type="text"/>	SE $\frac{1}{4}$ <input type="text"/>	Sec. _____ T. _____ R. _____ Mer. _____
NE $\frac{1}{4}$ <input type="text"/>	NW $\frac{1}{4}$ <input type="text"/>	SW $\frac{1}{4}$ <input type="text"/>	SE $\frac{1}{4}$ <input type="text"/>	Sec. _____ T. _____ R. _____ Mer. _____
NE $\frac{1}{4}$ <input type="text"/>	NW $\frac{1}{4}$ <input type="text"/>	SW $\frac{1}{4}$ <input type="text"/>	SE $\frac{1}{4}$ <input type="text"/>	Sec. _____ T. _____ R. _____ Mer. _____
NE $\frac{1}{4}$ <input type="text"/>	NW $\frac{1}{4}$ <input type="text"/>	SW $\frac{1}{4}$ <input type="text"/>	SE $\frac{1}{4}$ <input type="text"/>	Sec. _____ T. _____ R. _____ Mer. _____
5. Position of the tunnel face by reference to some natural object or permanent monument so as to identify its location:

6. Tunnel site is in _____ County.
7. Actual or proposed course or direction of the tunnel is: _____
(compass direction)
8. Tunnel height is _____ feet, and width is _____ feet.

Figure 8. Tunnel Site Location Notice (California).

9A. The undersigned locator(s) have established the line (compass direction) of the tunnel by conspicuous and substantial monuments placed along the line on-the-ground surface at intervals of not more than 600 feet from the face or point of commencement of the tunnel to its terminus 3,000 feet therefrom.

9B. The date of monument erections and marking is _____.
(month) (day) (year)

9C. Description of each monument is as follows: _____

_____.

10. Attach to this Notice an appropriate U.S. Geological Survey topographic map showing the location and course or direction of the tunnel.

11. Locator(s) of the tunnel site are: (Please Print)

<u>Name(s)</u>	<u>Current Mailing or Residence Address</u>
_____	_____
_____	_____
_____	_____
_____	_____

12. Signature(s) of locator(s):

_____	Date _____	_____	Date _____
_____	Date _____	_____	Date _____

FILE THIS ORIGINAL NOTICE WITH THE APPROPRIATE COUNTY RECORDER (within 90 days of the date of location), AND FILE A DUPLICATE NOTICE (within the same 90 days) with the Bureau of Land Management, California State Office, Federal Office Building, Room E-2841, 2800 Cottage Way, Sacramento, California 95825.

Figure 8 (Cont'd).

Also the following section in 43 CFR 1821.3-1(b) is applicable, and is as follows:

Unsworn statements in public land matters are subject to Title 18, U.S.C., section 1001, which makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statement or representations as to any matter within its jurisdiction.

Overfiling (Claim Jumping)

If your claim is valid by virtue of having made a discovery, having been properly located (monumented and posted) and recorded, and/or the necessary assessment work done and properly recorded then the claim is not subject to location by others. In short, a claim located by filing paper only, or by locating on the ground and filing over another persons' valid claim is illegal (see Beek v. Meagher, 104 U.S. 279, 284 (1881)).

It is to the benefit of the person(s) involved in mining claim location and work to see that the letter of the laws and regulations have been followed so as to keep the claim, and so be as safe as possible from claim jumpers. If one does not follow proper procedures one may lose the subject claim(s). A dispute between rival claimants is a civil matter for State courts to decide, and is not under the jurisdiction of the BLM.

Proper Location by Lode, or Placer Mining Claim

Often it is clear what type of claim is a proper one for the particular mineral deposit in question. A quartz vein in slate, for example, is clearly located by a lode mining claim. Free gold in stream or bank conglomerate is clearly located by a placer mining claim. At other times it may be unclear what type of mining claim is proper to locate. For example, a carbonate rock bed that is flat lying with little or no overburden and containing suitable raw material for cement manufacture should be located with placer claims. A limestone bed with the same raw material, but discontinuous in nature, dipping steeply from the horizontal, and enclosed by intrusive igneous rock with definite walls, probably should be located by lode claims. In compliance with the Placer Building Stone Act of August 4, 1892 (30 USC 161) any limestone bed that has suitable material for building stone and is chiefly valuable for building stone should be located with placer claims. However, if the limestone material is used for common aggregate it is not locatable, but salable and requires a sales contract.

Perlite can be located with lode mining claims. Specialty clay, or gypsum may be located with either lode or placer mining claims, depending on the nature of the deposit (see discussion regarding limestone in above paragraph). Disseminated gold and copper deposits are located with lode claims even though there may be no discreet veins.

Sometimes a proper mining claim location becomes a question of fact and a legal determination, by the Interior Board of Land Appeals (IBLA), may be necessary. See Estate of Arthur C.W. Bowen, 18 IBLA 383 (1975) for a discussion of the issue. If you have a question in this regard talk to experts in your closest BLM office and/or seek advice from a mining lawyer.

Location of Lode Over Placer Mining Claims and the Reverse

Placer mining claims have an equality both in procedure and rights with lode claims but the lode claim provides no rights to placer deposits and the reverse. See Clipper Mining Company v. Eli Mining and Land Company, 194 U.S. 220 (1904) for more on this subject.

In this above cited Supreme Court decision there was a discussion of the fact that a person has no right to enter upon a valid placer mining claim to search for, or locate a lode claim without the express permission of the placer mining claim owner(s). Overly aggressive lode prospectors may well interfere with the mining operation of the placer mining claimant. We strongly recommend that if a lode prospector wishes to search for minerals on a valid placer claim written permission be obtained from the placer claimant.

If an owner of a valid placer mining claim wishes to search for lodes on his claim he may do so but he will have no title to lode minerals without filing a lode mining claim. See Campbell v. McIntyre, 295 F 45 (9th Cir 1924) for more information.

It is possible for a holder of a valid lode mining claim to file a valid placer mining over that lode as long as there are two distinct types of deposits on the subject area.

When in doubt about these matters seek advice from a mining attorney.

Amended Locations and Relocations

An amendment to a location and location notice for a mining claim or site can be made (and filed) at any time with the appropriate County Recorder and the BLM California State Office. It can be made on the same type form as was used for the original location. An amendment is made where an error has occurred or a clarification is needed. An amended location relates back to the original date that the mining claim or site was located.

For more detailed information the interested reader is referred to R. Gail Tibbets et. al., 43 IBLA 210 (1979); American Resources Ltd., 44 IBLA 220 (1979); Samuel P. Bar Sr., 65 IBLA 167 (1982); R. Gail Tibbets v. BLM, 62 IBLA 124 (1982); and Cal. Pub. Res. Code, Chap. 4, Sec. 2310.

The fee is required for filing an amended notice with the BLM is \$5 for each mining claim. The notice should be filed within 90 days of the amendment, however, there is no penalty if the 90-day requirement is not met. See Leland H. Bray, 37 IBLA 120 (1978).

Some examples of where an amended location notice is proper are:

- Claimant has reported original location in wrong township, range, or section.
- A change in claim ownership has occurred. (A copy of a quitclaim deed, probate of will, and so forth must accompany the amended location notice).
- The name of the claim is changed.
- Incomplete data on original notice of location.

A relocation is a new location which covers the same or nearly the same land as a prior mining claim or site. The relocating is a new mining claim or site and requires a new location notice and location date, it does not relate back to the date of the prior location. See Coates Lahusen, 69 IBLA 137 (1982). Relocation is necessary where a claimant has failed to record timely assessment work or attempts to move a claim a significant distance from its original location. A claimant can relocate only if no one has located the claim during the period of time the land was "vacant" (for example, the date from failure to record an assessment work notice by the end of an assessment year to date of relocation of a new claim).

RECORDATION (FILING) OF MINING CLAIMS AND SITES

Introduction

In accordance with Section 314 of the Federal Land Policy and Management Act (FLPMA) of October 21, 1976 (43 U.S.C. 1744), and the implementing regulations at 43 CFR 3833, all unpatented mining claims, mill, and tunnel sites are required to be recorded in the proper County Office and the appropriate Bureau of Land Management office.

The objectives of BLM regulations (given at 43 CFR 3833.0-2) are:

- (a) To determine the number and location of unpatented mining claims, mill sites, or tunnel sites located on Federal lands in order to assist in the surface management of those lands and the mineral resources therein;
- (b) To remove any cloud on the title to those lands that may exist because they are subject to mining claims that may have been abandoned;
- (c) To provide the BLM with information as to the location of active mining claims;
- (d) To keep the BLM informed of transfers of interest in unpatented mining claims, mill sites, or tunnel sites.

In California all recordation documents must be filed in the BLM California State Office, Federal Office Building, Room E-2841, 2800 Cottage Way, Sacramento, California 95825. The California State Office is the only proper Federal office for filing such documents. All documents may be mailed to the California State Office. If mailed, we suggest the documents be mailed by certified mail with a return receipt request and a note on the receipt naming the documents enclosed. This receipt will provide proof, if required, that the office received the documents.

Filing Periods for Mining Claim and Site Recordation

Unpatented lode and placer mining claim, mill, and tunnel site notices must be recorded in both the appropriate County Recorder's Office and the California State Office of the BLM within 90 days from the date of their location. Remember that the date of location is the date of the erection and posting of a discovery or location monument.

Location Notices and Filing Fees

Proper location notices should be used for the mining claim or site. The claimant should describe the lode claim on a lode location notice, a mill site on a mill site location notice, and so forth. The forms given in this report may be copied and used. A one-time non-refundable filing fee of \$10 per claim or site is required by the BLM. The location notice, one per claim or site, must be legible and contain the information described in the first part of this report. If the mining claim is an association placer, the maximum acreage allowed is 160 acres with at least 8 locators, 20 acres per claimant. A corporation is considered an individual entity, therefore, as an individual entity it is allowed 20 acres. An association placer must be contiguous, 30 U.S.C. 36; that is the 20 acre parcels must be connected by the side or end lines. Parcels connected by corners are not considered to be contiguous. Examples of contiguous and non-contiguous parcels are shown in Figure 9.

When more than one claimant is listed on a location notice names and addresses for each should be provided. It is to the benefit of claimants to sign the notice unless an agent or attorney is filing and signing the document for all concerned.

BLM Processing of Location Notices

In most cases, when a location notice is received in the State Office it is assigned a BLM serial number. In California this number is always preceded by the letters CA MC. CA denotes California and the MC denotes mining claim. This number should always be used in all correspondence and on documents filed with the BLM that relate to a particular claim or site.

The location notices are reviewed by the BLM. If the information is not adequate, but the deficiency is curable, the claimant will receive a letter requesting clarification or additional information to be submitted within 20 to 30 days from receipt of the correspondence. Failure to respond may result in the issuance of a recordation rejection decision. If the claim appears to be within an area closed to mineral entry on the date of location a decision will be issued declaring the claim or site null and void.

Examples of some curable deficiencies are; non-contiguous placer mining claims; excess acreage on claims or sites; filing fee not submitted with location notice; date of location not furnished; location notice not showing name or number for claim or site; legal description on the notice different from the map, or legal description not given at all; type of claim not indicated; more than one claim or site on location notice; and legibility problems. It is imperative that all documents be legible; typed or printed documents are preferred.

Amended location notices always date back to the original location of a mining claim. These type of notices are filed to correct such problems as errors on the original location notice, to change the name of the claim, and to delete excess acreage. These notices must be filed with both the County Recorder's Office and the BLM California State Office. There is a \$5 filing fee for an amended location notice with the Bureau of Land Management. Again, these notices should be legible and contain the assigned BLM serial number (CA MC No.).

Transfer of Interest (Quitclaiming)

An owner of an unpatented mining claim, mill or tunnel site which has been properly recorded may transfer all or part of their interest in the claim site. The proper vehicle to use is a quitclaim deed, not an amended location notice. However, the claimant may wish to include an amended location notice with the quitclaim deed.

The transfer document should be filed in the appropriate County Recorder's Office and the BLM, California State Office within 60 days after the transfer. The document should include the claim name, the assigned BLM serial number, the name and mailing address of the person to whom the interest of the claim has been transferred. The fee required for filing this document with the BLM is \$5 for each claim.

Abandonment or Relinquishment

If the owner is abandoning or relinquishing a claim or a site a letter to that effect should be submitted to the BLM California State Office and the appropriate County Recorder's Office. Be sure to give the CAMC number in the letter. All current owners who are abandoning their interests must sign the notice. No fees are required for filing this type of document; since a form is not required, this may be accomplished by letter. Again, the claim or site name and correct serial number need to be stated in the letter.

ASSESSMENT WORK AND APPROPRIATE AFFIDAVIT AND NOTICES

Introduction

To hold a possessory right to a lode or placer (including any association placer) mining claim at least \$100 worth of labor must be performed or claim improvements made annually for each claim. This labor and/or improvement work is called assessment work. Where several contiguous claims are held by a claimant the total expenditure necessary to hold all the claims (at \$100 per claim) may be made on any one claim as long as all are benefitted by the assessment work. Claims that touch on a corner are not considered to be contiguous (see 43 CFR 3851.1, Jupiter Mining Co. v Bodie Consolidated Mining Co., 11 F 666 (1881), and Powell v. Atlas Corp., 615 P2d 1225 (Utah 1980) and Figure 9).

Assessment work is required in order to show good faith and diligence in developing a valuable mine. It is also required to help prevent speculation through the holding of numerous claims without developing them. Whatever is done for assessment work generally should be visible and certainly should directly benefit the claim(s) involved.

Assessment Work

The following examples are not meant to be complete, but are intended to include the most common types of work or improvement situations known to the authors. If you have a question about qualification contact an expert in your local BLM office and/or a mining lawyer.

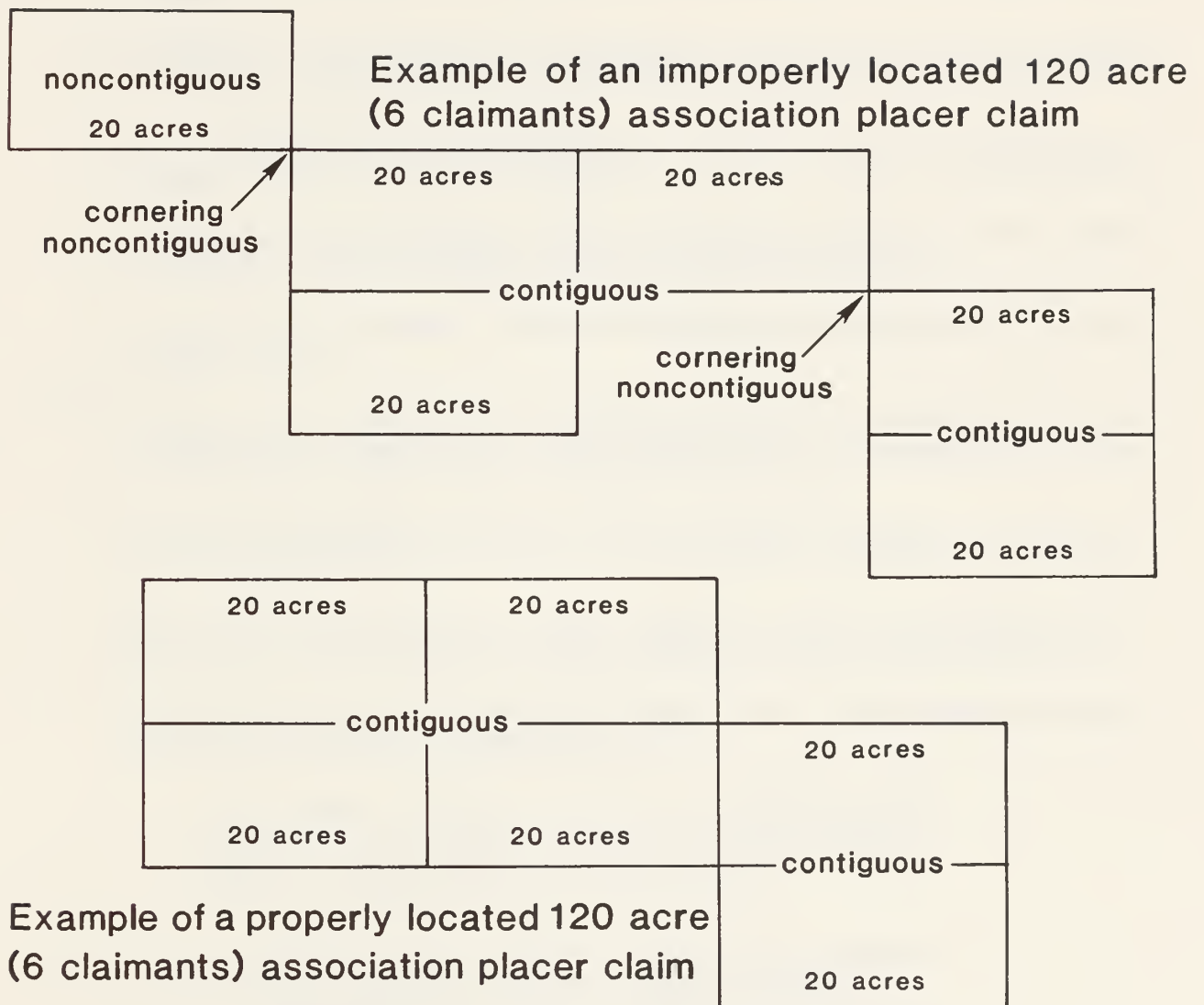


Figure 9 – Improperly and Properly Located 120 Acre Association Placer Claim.

Type of Assessment Work That Will Qualify

1. Construction and maintenance of access roads to mining claims. See U.S. v 9,947.71 Acres of Land, More or Less, in Clark County, State of Nev., 220 F. Supp. 328 (DC Nev 1963), and Pinkerton v. Moore, 66 NM 11, 340 P2d 844 (1959).
2. Buildings for the purpose of benefiting the claim, and for its improvement. See Bryan v. Mc Craig, 10 Colo 309, 15 P 413 (1887).
3. Blasting supplies such as powder, fuses, wire and so forth. See Fredricks v. Klauser, 52 Or 110, 96 P 679 (1908).
4. Digging of mine development works, surface or underground, that directly benefit the claim. See James v. Krook, 42 Ariz 322 (1933).
5. Installation of machinery or fixtures to facilitate the extraction of ore. See citation in No. 4.
6. Services of a watchman where the services are necessary for the preservation of structures or other property used in developing the claim. See Ingersolt v. Scott, 13 Ariz 165, 108 P 460 (1910).
7. Development drilling and sampling. See Eveleigh v. Darneille, 81 Cal Repr. 301 (Cal App 1969).
8. Removal of overburden to allow surface mining of relatively shallow deposits. See Ring v. United States Gypsum Co., 62 CA 2d 87 (1923).
9. Geological, geochemical, and geophysical surveys. The following material is from 43 CFR 3851.2 (30 USCA 28-1-2).

Such surveys must be conducted by qualified experts and verified by a detailed report filed in the county or recording district office in which the claim is located. This report must set forth fully the following:

- (1) The location of the work performed in relation to the point of discovery and boundaries of the claim.
- (2) Nature, extent and cost of the work performed.
- (3) The basic findings of the surveys.
- (4) The name, address and professional background of the person or persons conducting the work.

Such surveys may not be applied as labor for more than two consecutive years or for more than a total of five years on any one mining claim. Each survey shall be non-repetitive of any previous survey of the same claim. Such surveys will not apply toward the statutory provision requiring the expenditure of \$500 for each claim for mineral patent.

(b) As used in this section --

(1) The term "geological surveys" means surveys on the ground for mineral deposits by the proper application of the principles and techniques of the science of geology as they relate to the search for and discovery of mineral deposits;

(2) The term "geochemical surveys" means surveys on the ground for mineral deposits by the proper application of the principles and techniques of the science of chemistry as they relate to the search for and discovery of mineral deposits;

(3) The term "geophysical surveys" means surveys on the ground for mineral deposits through the employment of generally recognized equipment and methods for measuring physical difference between rock types or discontinuities in geological formations;

(4) The term "qualified expert" means an individual qualified by education or experience to conduct geological, geochemical, or geophysical surveys, as the case may be.

Type of Assessment Work That Will Not Qualify

1. A building that does not benefit the claim (see No. 2 above).
2. Prospecting for exploration and discovery: in contrast to prospecting for development and demonstration, which does qualify; see Bishop v. Baisley, 28 Or 119, 41p. 936 (1895); Schlegal v. Hough, 182 Or. 441, 186 P.2d 516 (1947); Schlegal v. Hough, 182 Or 449, 188 P.2d 158 (1947) modifying 182 Or. 441, 186 P.2d 516 (1947). Note: Sampling, discovery shafts, exploratory drilling, and prospect holes have been accepted as qualified work, however. See Eveleigh v. Darneille, 276 Cal. App. 2d 638, 81 Cal. Repr. 301 (1969) (hand sampling of the least meaningful kind); Sampson v. Page, 129 Cal. App. 2d 356, 276 P.2d 871 (1954); Hamilton v. Ertl, 146 Colo. 80, 360 P.2d 660 (1961) (core holes); Nevada Exploration and Mining Co. v. Spriggs, 41 Utah 171, 124 P. 770 (1921); Simmons v. Muir, 75 Wyo. 44, 291 P.2d 810 (1955); Walton v. Wild Goose Mining and Trading Co., 123 F. 209 (9th Cir. 1903).

It is clear that prospecting and exploration work for assessment purposes can be a subject of confusion and real concern, except where "geological, geochemical, or geophysical surveys" are involved (see No. 9 above). Our firm advice to the reader is to seek the advice of a mining attorney when one has concern over this very important matter.

3. Services of a watchman where the services are not necessary for the preservation of structures and other properties (see No. 6 above).
4. Materials taken to a mining claim but not used. See Fredricks v. Klauser, 52 Or 110 P 679 (1908).
5. Gathering and removing ore previously mined. See Buckeye Mining Co. v. Powers, 257 Pac 833 Ida (1927). For loading and shipping ore stockpiled during previous assessment year see Smith v. Daly, 181 CA 2d 154 (1960).

Assessment Work Affidavit (California)

Figure 10 is an example of an Assessment Work Affidavit (California). Item 1 is self-explanatory and requires the claimant to name the county in question and give the current assessment year and certain data on the claim(s) for which work was done. Under location the part marked Sec./Tp./Rg./Mer. refers to section, township, range, and meridian. Be sure to give the BLM Serial No. (CA MC No.).

Item 2 is very important. Be sure to discuss clearly and adequately the type of labor and improvements done, the value (cost) of each, the total value of all labor and improvements made and the date(s) of performance. Note the statement regarding geological, geochemical, or geophysical surveys. If a report was prepared complete the title, the fact that it was filed with the County Recorder in question, and the costs involved under the headings - Description and Value. Complete the date(s) work was performed.

Item 5 is also very important. Make sure all your monuments are in place (Cal. Pub. Res. Code, Chap. 4, Div. 2, Sec. 2315(8) and (9)). Although the obliteration and destruction of the monuments and notices thereon does not affect the validity of the locator's possessory title (Walton v. Wild Goose Mining Co., 123 F 209 (1903, cert denied 194 U.S. 631)) it is a wise idea to replace any required monuments that have been obliterated or destroyed and sign that all monuments are up at the time assessment work was performed. Notes regarding the situation and photographs of the replaced monuments should be made and kept in the claimants personal records.

Items 4 and 5 should be completed by printing or typing. Below Item 5, a signature of the person responsible for the statements in the Notice is required. The claimant may perform the work or someone in his behalf may perform the work. Whomever did the work should sign and date the affidavit.

Assessment Work Year and Filing Year

Each year after location, the affidavit of annual assessment work must be filed attesting that \$100 of assessment work was completed on an unpatented mining claim. Assessment work must be performed within a certain time period referred to as the Assessment Work Year. The time period within which the work must be done begins at 12 o'clock noon on the first day of September and ends at 12 o'clock noon on September 1 of the following year (see 43 CFR 3851.1). Assessment work need not be performed during the Assessment Work Year within which the claim is located.

For example, if a mining claim is located on March 15, 1986, the first complete Assessment Work Year would begin noon September 1, 1986, and end noon September 1, 1987 (see Case 1, Figure 11). If a mining claim is located on October 15, 1986, the first complete Assessment Work Year would begin noon September 1, 1987, and end noon September 1, 1988 (see Case 2, Figure 11).

Name _____
Address _____

AFFIDAVIT OF ASSESSMENT WORK (CALIFORNIA)

1. Certain labor and improvements required by law were performed or made on, or for the benefit of the following mining claim or claims (which together comprise a group of contiguous claims) in the County of _____, California, in the mining assessment year ending September 1, 19____.

[illegible]

2A. Type of labor and improvements (specify what was done and give the total value for that labor and improvements - at least \$100 for each claim). If a geological, geochemical, or geophysical survey was performed, as per Public Law 85-876, reference title of report of survey in question, give cost and date of the survey and report, and indicate it was filed with the County Recorder.

Description	Value
Total Value	

Figure 10. Assessment Work affidavit (California).

2B. Date(s) the assessment work was performed _____
(month) (day(s)) (year)

3. Name(s) and address(s) of person(s) who performed the labor and improvements:

Name (print)

Current Mailing and Residence Address (print)

4. Name(s) and address(s) of person(s) who own the claim(s):

Name (print)

Current Mailing and Residence Address (print)

5. The undersigned testifies that all monuments required by law have been erected upon the claim(s) and all notices required by law to have been posted on the claim(s) or copies thereof were in place at the time the assessment work was performed.

I (we) hereby certify under penalty of perjury that the foregoing is true and correct:

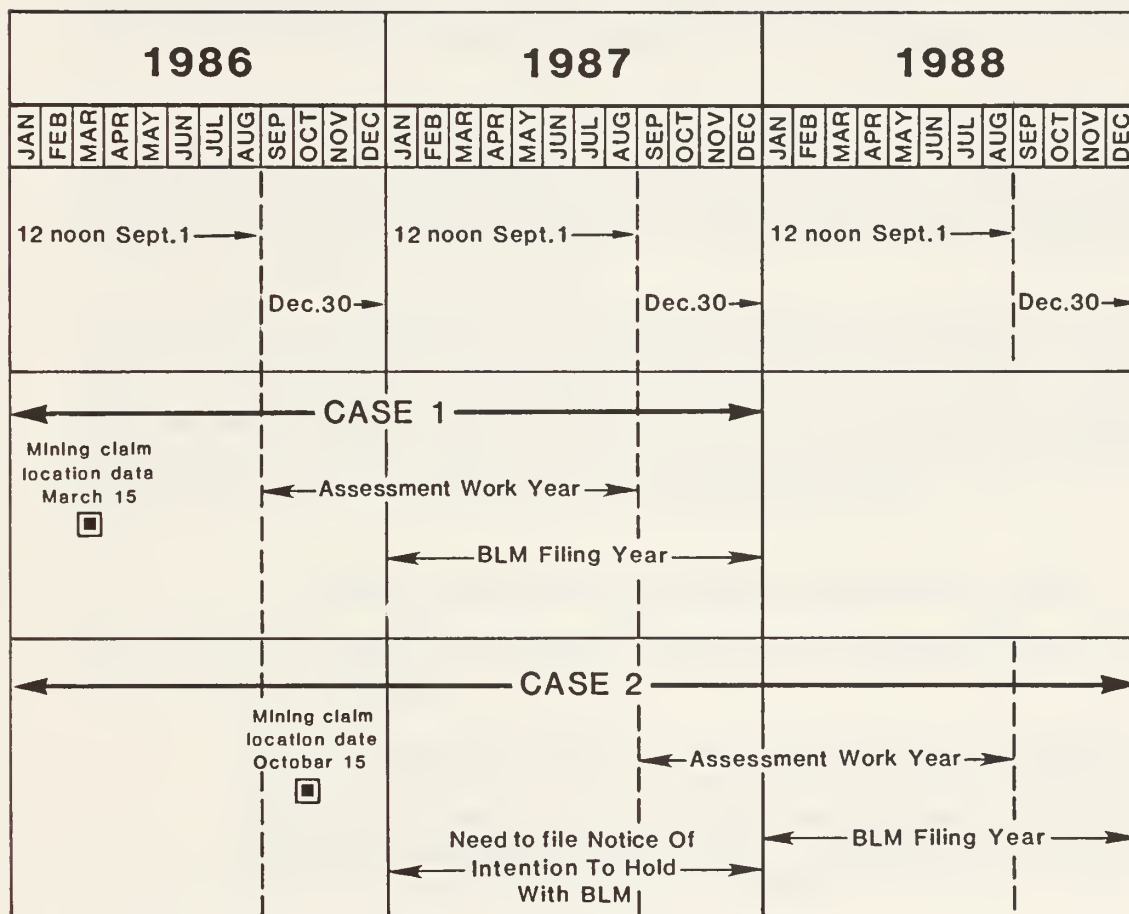
_____, Date _____
(Signature of person responsible for above statements)

FAILURE TO FILE ANNUALLY EVIDENCE OF ASSESSMENT WORK OR NOTICE OF INTENT TO HOLD A MINING CLAIM WITH BOTH THE APPROPRIATE COUNTY RECORDER AND THE BUREAU OF LAND MANAGEMENT WITHIN PRESCRIBED TIME PERIODS WILL CONSTITUTE AN ABANDONMENT OF THE MINING CLAIM(S).

FILE THIS ORIGINAL NOTICE WITH APPROPRIATE COUNTY RECORDER (by September 30) and FILE A DUPLICATE NOTICE (by December 30) WITH THE BUREAU OF LAND MANAGEMENT, CALIFORNIA STATE OFFICE, FEDERAL OFFICE BUILDING, ROOM E-2841, 2800 COTTAGE WAY, SACRAMENTO, CALIFORNIA 95825.

Any person who willfully makes a false statement with respect to any mining claim on the affidavit of labor or improvements shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding one hundred dollars (\$100) or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. (Public Resources Code of California, Chap. 4, Div. 2, Sec. 2315d).

FILING "CALENDAR" YEAR



NOTE:

An owner of a mill or tunnel site must file a Notice Of Intention To Hold, on or before Dec. 30, for each BLM filing year following the year of location (43 CFR 3833.2-1(C)). Assessment work is not required for mill or tunnel sites.

NOTE:

Claimant is required to file an assessment work notice for mining claims with the appropriate County Recorder within 30 days after the assessment work year.

Figure 11 – Diagram showing the relationship of Assessment Work Year to Filing "Calendar" Year for mining claims.

An Assessment Work Affidavit or a Notice Of Intention To Hold a mining claim (see section on Intention to Hold a Mining Claim or a Mill or Tunnel Site below) is required in the Filing or "Calendar" Year following the location of a mining claim, and each Filing Year thereafter. A Filing or "Calendar" Year begins on January 1st and continues through December 30th of each year. An Assessment Work Affidavit or a Notice Of Intention To Hold a mining claim must be filed in both the appropriate County Recorder's Office and with the BLM, California State Office in the Filing Year for which it is intended. These annual filing documents must be recorded with by the county by September 30, and with the BLM by December 30, or postmarked by the U.S. Postal Service by midnight December 30 and received by the BLM by January 19.

In Case 1, Figure 11 an Assessment Work Affidavit (or an Intention To Hold a mining claim) must be filed by December 30, 1987. In Case 2, Figure 11 the appropriate document must be filed by December 30, 1988. However, the claimant must file, in both the appropriate County Recorder's Office and the BLM, an Intention To Hold a mining claim in the 1987 filing year.

The only proper BLM office in California to file annual filings is the CALIFORNIA STATE OFFICE, FEDERAL OFFICE BUILDING, ROOM E-2841, 2800 COTTAGE WAY, SACRAMENTO, CALIFORNIA 95825. Fees for recording these documents with the BLM is \$5 for each claim listed. When completing the assessment work notice form be sure to include the correct claim name and assigned BLM serial (CA MC) number. This will ensure proper noting of the records.

Intention to Hold a Mining Claim or a Mill or Tunnel Site

The following definitions for notices of intention to hold mining claims and sites are found in 43 CFR 3833.0-5:

"Notice of intention to hold a mining claim" means an instrument containing the information required in 43 CFR 3833.2-3 of this title which has been or will be filed under state law in the local jurisdiction County Recorder's Office indicating that the owner continues to have an interest in the claim.

"Notice of intention to hold a mill or tunnel site" means an instrument containing the information in the form required in 3833.2-3 of this title 43 CFR indicating that the owner continues to hold an interest in the site.

By definition, the major difference between the notices is that if the notice is for a mining claim, it must be recorded in the proper county recorder's office, while county recording is not mandatory for a notice of Intention To Hold for a mill or tunnel site. Both types of documents, however, must be filed in the California State Office of the BLM during the same time periods as for the assessment work notice. All notices must contain the Bureau of Land Management serial number assigned to the claim or site, and any change of address of the owner. The filing fee per document filed with the BLM is \$5.

If a claimant has filed for and been granted a deferment of assessment work, the notice of intention to hold the mining claim should reference the decision document by date and serial (CA MC) number which granted a deferment of assessment work, or reference the pending petition for deferment of assessment work.

Since assessment work is not required to be done on a mill or tunnel site, a notice of intention to hold a mill or tunnel site is always the proper document to file if you intend to keep the site.

For a mining claim, filing a Notice Of Intention To Hold, when assessment work is required to be performed, will hold the claim open on the Bureau of Land Management records, however, it does not preserve the claimant's rights against another locator unless a deferment has been granted.

Failure to Perform Assessment Work and Filing Requirements

If a mining claimant fails to perform proper assessment work on a claim it will render the claim subject to cancellation and or relocation. A claim could be relocated by other claimants unless the original locator, his heirs, assigns, or legal representatives have resumed work after a failure of assessment work performance and before a relocation is made (see 43 CFR 3851.3). It can be very difficult for a relocater to show that an original locator did not perform the required improvements or work during the assessment work year. Relocation cannot be made until after the end of the assessment year in question.

Assessment Work Affidavits for mining claims (or a Notice of Intention To Hold document, or a geological, geochemical or geophysical report) must be filed timely in the appropriate County Recorder's Office and in the BLM State Office in Sacramento. If these documents are not filed timely then it "shall be deemed conclusively to constitute an abandonment of the mining claim or mill or tunnel site by the owner; but it shall not be considered a failure to file if the instrument is defective or not timely filed for record under other Federal laws permitting filing or recording thereof, or if the instrument is filed for record by or on behalf of some but not all of the owners of the mining claim or mill or tunnel site" - 43 U.S.C. 1744 c (1976).

Failure of a Co-owner to Contribute to Annual Assessment Work

Regulations regarding the failure of a co-owner to contribute to annual assessment work are well given at 43 CFR 3851.4. These regulations are given below in their entirety.

Upon the failure of any one of several co-owners to contribute his proportion of the required expenditures, the co-owners, who have performed the labor or made the improvements as required, may, at the expiration of the year, give such delinquent co-owner personal notice in writing, or notice by publication in the newspaper published nearest the claim for at least once a week for 90 days; and if upon the expiration of 90 days after such notice in writing, or upon the expiration of 180 days after the first newspaper publication of notice, the delinquent co-owner shall have failed to contribute his proportion to meet such expenditures or improvements, his interest in the claim by law passes to his co-owners who have made the expenditures or improvements as aforesaid. Where a claimant alleges ownership of a forfeited interest under the

foregoing provision, the statement of the publisher as to the facts of publication, giving dates, and a printed copy of the notice published, should be furnished, and the claimant must state that the delinquent co-owner failed to contribute his proper proportion within the period fixed by the statute.

Affidavits of Assessment Work for Claims Under Patent Application

An Affidavit of Assessment Work or a Notice Of Intention To Hold a mining claim or mill site need not be filed after the date that Part I of BLM Form 1860-1 - Mineral Entry Final Certificate is signed by the Authorized Officer in the California State Office of the BLM (see 43 CFR 3833.2-4, and 3851.5).

Deferment of Assessment Work

The Act of June 21, 1949 (30 U.S.C. 28b-c), allows the Secretary of the Interior to grant temporary deferments of assessment work. There are four circumstances under which these temporary deferments may be granted:

1. When access to the mining claim is being denied,
2. When access to the claim is in litigation,
3. When access to the mining claim is in the process of acquisition under State law, or
4. When any other legal impediment prevents the mining claimant from entry to perform assessment work.

The key words are: "access to the claim is denied." Unless a claimant can prove that access to the claim is denied, a deferment cannot be granted.

Deferments may not be granted for reasons such as the following: physical conditions such as the washout of roads, unseasonable weather, illness, bankruptcy proceedings, and litigation - unless a court order enjoins the claimant from entering the claim.

Regulations in 43 CFR 3852.2 give the requirements for filing a petition for a deferment of assessment work. No particular form is required. The petition can be in letter form signed by at least one of the owners of the claim. Be sure to give the name(s) of the claim(s) involved, the date(s) of claim location, the serial (CA MC) No(s)., and the Assessment Work Year for which deferment is requested. Each petition must be accompanied by a \$25 non-refundable service charge fee. It must be filed with the California State Office of the BLM and be accompanied by a copy of the County recorded "notice to the public." The petitioner must fully describe the "legal impediments" preventing access to the claim.

Deferments may be granted for no more than one year for two successive years and the deferred work must be completed not later than, 1) the end of the Assessment Work Year commencing after the removal or cessation of the causes for deferment or, 2) the expiration of the period for which deferment was granted, whichever is first.

If the causes for deferment exist after two years, relief may be obtained through judicial litigation.

MINING AND RECLAMATION PLANS

Before most exploration and mining operations can begin on BLM or USFS administered land the claimant should contact the local office of the appropriate agency for information and instruction.

Both agencies have surface management regulations that may require a Notice or a Plan of Operations, depending on the level of disturbance or special management designation.

USFS surface management regulations are at 36 CFR 228(A), and BLM regulations are at 43 CFR 3802 (for Wilderness Study Areas) and 43 CFR 3809 (for all other areas).

Table 2 shows various subjects covered by the BLM and USFS regulations and where the interested reader can find appropriate information.

Subject	BLM		USFS	
	43 CFR 3809	43 CFR 3802	36 CFR 228 (A)	
Purpose - - - - -	3809.0-1 - - - -	3802.0-1 - - - -	228.1	
Objectives - - - - -	3809.0-2 - - - -	3802.0-2 - - - -	-----	
Definitions - - - - -	3809.0-5 - - - -	3802.0-5 - - - -	228.3	
Policy - - - - -	3809.0-6 - - - -	3802.0-6 - - - -	-----	
Scope - - - - -	-----	3802.0-7 - - - -	228.2	
Plan of Operations - -	-----	3802.1 - - - -	228.4	
-When Required - - -	3809.1-4 - - - -	3802.1-1 - - - -	228.4	
-When not Required -	-----	3802.1-2 - - - -	-----	
Operations Existing on October 21, 1976 -	-----	3802.1-3 - - - -	-----	
Contents of Plan of Operations - - - - -	3809.1-5 - - - -	3802.1-4 - - - -	-----	
Plan Approval - - - -	3809.1-6 - - - -	3802.1-5 - - - -	228.5	
Modification of Plan - - - - -	3809.1-7 - - - -	3802.1-6 - - - -	-----	
Existing Operations - -	3809.1-8 - - - -	3802.1-7 - - - -	-----	
Bond Requirements - -	3809.1-9 - - - -	3802.2 - - - -	228.13	
Environmental assess- ment and environmen- tal protection - - -	3809.2-1 & 2-2 -	3802.3-1 & 3-2 - -	228.8	
Noncompliance- - - -	3809.3-2 - - - -	3802.4-1 - - - -	228.7	
Access - - - - -	3809.3-3 - - - -	3802.4-2 - - - -	228.12	
Multiple Use Conflicts	-----	3802.4-3 - - - -	-----	
Fire Protection & Control - - - - -	3809.3-4 - - - -	3802.4-4 - - - -	228.11	
Maintenance of Public Safety - - - -	3809.3-5 - - - -	3802.4-5 - - - -	228.9	
Inspection - - - - -	3809.3-6 - - - -	3802.4-6 - - - -	228.7	
Notice of Suspension of Operations - - - -	-----	3802.4-7 - - - -	-----	
Cessation of Operations	-----	3802.408 - - - -	228.10	
Appeals - - - - -	3809.4 - - - -	3802.5 - - - -	228.14	
Public Availability of Info. - - - - -	3809.5 - - - -	3802.6 - - - -	228.6	
Reclamation - - - - -	3809.1-1 - - - -	-----	-----	
Casual Use-Neg. Disturbance- - - -	3809.1-2 - - - -	-----	-----	
Notice-disturbance of 5 acres or less - -	3809.1-3 - - - -	-----	-----	
Applicability of State law - - - - -	3809.3-1 - - - -	-----	-----	
Period of Non- Operation - - - - -	3809.3-7 - - - -	-----	-----	
Special Provisions relating to mining claims patented within boundaries of CDCA - - - - -	3809.6 - - - -	-----	-----	
Operations within National Forest Wilderness - - - - -	-----	-----	228.15	

Table 2. Surface Management Regulations Regarding Exploration and Mining Operations.

In addition to federal regulations, the claimant will be required to comply with certain California State and local government regulations. For example, if any mining waste might contaminate surface or underground waters of the State of California then the claimant should contact the appropriate Regional Water Quality Control Board (see page iii). Suction dredging permits are required by the State Department of Fish and Game. The claimant should contact their nearest Fish and Game office for regulations and instructions (see page iv). Counties have jurisdiction over such areas as sewage treatment, and building construction. See page vi for a list of California County Seats and Contacts.

PATENTING A MINING CLAIM

Mining claims may be patented if certain requirements are met. A patent is a document which conveys legal title. In the case of mining claims it usually conveys title to the surface as well as the minerals. The main requirements for patenting are that \$500 worth of improvements have been made for the benefit of the claim, and that a valid discovery exists on the claim. The patenting process can be complex, expensive and lengthy. If you are considering applying for a patent, it would be in your best interest to visit the California State Office of the Bureau of Land Management in Sacramento where you can view case files for claims that have been patented, and talk to knowledgeable personnel. That will give you an idea of the kind of information and documentation you will be required to furnish relative to your claims. Mill sites may also be patented, however, their validity depends largely on their nonmineral in character nature and their use. Tunnel sites cannot be patented. A pamphlet titled, "Patenting a Mining Claim on Federal Lands" is available from the Bureau of Land Management.

Table 3 below shows where some of the more important subjects regarding the patenting of a mining claim may be found (43 CFR 3860 Mineral Patent Applications).

<u>SUBJECTS</u>	<u>43 CFR 3800</u>
Surveys and Plats - - - - -	3861.1, .1-1, .1-2, .1-3
Certificate of Expenditures in and Improvements - -	3861.2-2
Mineral Surveyors - - - - -	3861.3, .4, .5
Plats and Notices - - - - -	3861.6
Posting (on claim and proof of) - - - - -	3861.7-1, .7-2
Lode Claim Patent Applications- - - - -	3862.1-1, .1-2, .1-3, .1-4, .1-5
Citizenship- - - - -	3862.2
Possessory Rights - - - - -	3862.3
Publication of Notice (proofs and payments) - - - -	3862.4
Entry and Transfers - - - - -	3862.5
Diligent Prosecution- - - - -	3862.6
Application Processing Upon Contest or Protect - -	3862.7
Land Description in Patents - - - - -	3862.8-1
Placer Mining Claim Patent Applications - - - - -	3863.1
Proof of Improvements for Patent - - - - -	3863.1-2
Data to be Filed in Support of Application - - - - -	3863.1-3
Applications for Placer Containing Known Lodes - -	3863.1-4
Mill Site Patents Application - - - - -	3864.1-1
Mill Sites Applied for in Conjunction with a Lode Claim - - - - -	3864.1-2
Mill Sites for Quartz Mills or Reduction Works - - -	3864.1-3
Proof of Nonmineral Character - - - - -	3864.1-4
Adverse Claims- - - - -	3871
Protests, Contests, and Conflicts - - - - -	3872
Segregation - - - - -	3873

Table 3. Regulations Regarding the Patenting of Mining Claims.

TYPES AND AVAILABILITY OF RECORDS IN BLM OFFICES

Introduction

The BLM is the official land and mineral ownership record-keeping agency for the Federal government. In this capacity, the BLM California State Office, Sacramento has these records for the State of California available for public inspection.

The California State Office Public Room (E-2811), at 2800 Cottage Way, Room E-2811, Sacramento, CA 95825, is open to the public Monday through Friday from 7:30 a.m. to 5:00 p.m. Public contact representatives are available to assist persons reviewing records as well as answer requests by telephone and by mail. General or specific information can be given over the telephone - (916) 978-4754 - but, because of the large interest in public records, only a minimum of research is available over the telephone.

The following sections give a description of maps and documents that were developed from public records and are available for public inspection. Maps and copies of the records can be purchased over the counter.

Surface and Mineral Ownership Maps

BLM has color-coded Surface and Mineral Management maps available at a scale of 1:100,000. As well as showing private lands, these maps indicate lands that are administered by the following governmental agencies:

Bureau of Land Management
United States Forest Service
Bureau of Reclamation
Fish & Wildlife Service
U.S. Army Corps of Engineers
Military
National Park Service
Bureau of Indian Affairs
State of California

The Surface Minerals edition of this series of maps also shows where minerals are owned by the Federal Government.

All maps depict highways, roads, trails, railroads, major transmission lines and pipelines, and other rights-of-way. They also indicate geographic features - peaks, mountain ranges, hills, valleys, lakes, rivers, streams, and dry lakes. The newer editions also show topography. Some withdrawals, reserves, and classifications that may restrict or prohibit the location of mining claims on public lands are depicted on these maps.

Remember, the land and mineral status shown on these maps is only current as of the date of the map.

Land Status Records

Master Title Plats (MTP)

For every township in California, BLM has prepared a MTP (see Figure 12, and Table 4). An MTP is a pictorial display of title actions that affect Federal ownership. This title information is plotted on a base map showing the most recently approved Federal survey lines for sections, tracts, homestead surveys, mineral surveys, and meanders along the boundaries of certain lakes and rivers. The MTP illustrates title information by the use of various kinds of lines and symbols to identify areas affected by a particular Federal action. Each such action is also indicated by an abbreviated notation which identifies the action and/or the legal authority for the action.

Solid, dark lines are drawn around lands that have been patented into private ownership. The patent numbers and any reservations to the United States, including reservations of minerals, are noted to the MTP. The absence of dark, solid patent lines and a patent number would indicate the land is still Federal land - often referred to as public domain land. Withdrawals for National Forests, reclamation projects, Federal dams and reservoirs, protective withdrawals, military reservations, National Parks and Monuments, Wildlife Refuges, power projects, and public water reserves, classifications, rights-of-way, leases, and more, are also shown.

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES AND ACQUIRED LANDS

MT PLAT

[illegible]

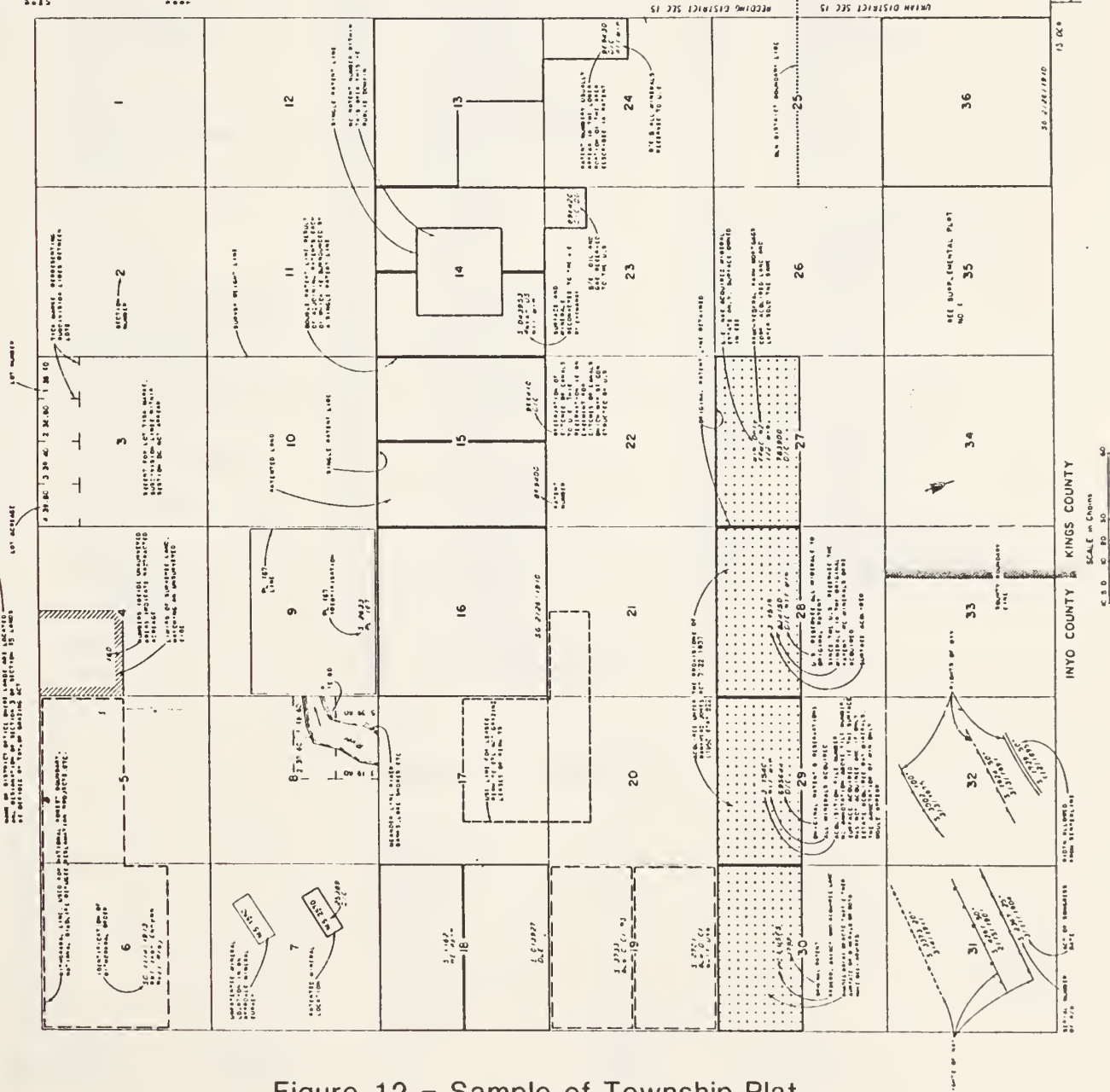
NOTE — THIS SPACE IS USED FOR ITEMS WHICH AFFECT THE ENTIRE TOWNSHIP AND FOR ITEMS THAT CANNOT BE PLOTTED EACH ENTRY IS SELF-EXPLANATORY.

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

Current TO	Current TO

USE P. 078

100 100 100



ABBREVIATIONS ON RECORDS

Acq	Acquired	KGRA	Known Geothermal Resource Area	Ry	Railway
A	Acre, Acres	KGS	Known Geologic Structure	R	Range
Adm S	Administrative Site	Lse	Lease	Rcpl	Reciprocal
Allot	Allotment	Lsbl	Leasable	Rd	Road
Amdl	Amendment, Amended	Lic	License	RHE	Reclamation Homestead Entry
Apln	Application	LS	Lieu Selection	Recl Wdl	Reclamation Withdrawal
Appvd	Approved	Mgmt	Management	Recon	Reconveyed
Asgn	Assignment	MTP	Master Title Plat	Rec Lse	Recreation Lease
Bdy; Bdrs	Boundary, Boundaries	Mer	Meridian	R & PP	Recreation & Public Purposes
BIA	Bureau of Indian Affairs	M&B	Metes and Bounds	Rmks	Remarks
BLM	Bureau of Land Management	Mil Res	Military Reservation	Res	Reserve, Reservation
BLM O	Bureau of Land Management Order	Mn	Mineral	Resvr	Reservoir
BR	Bureau of Reclamation	MC	Mineral Certificate	Rest	Restoration, Restored
BSF&W	Bureau of Sport Fisheries and Wildlife	ME	Mineral Entry	Rstd	Restricted
Cad	Cadastral	ML	Mineral Location	Rev	Revocation, Revoked
Calif	California	MS	Mineral Survey	R/W	Right-of-Way
Canc	Cancellation, Cancelled	MCOA	Mining Claim Occupancy Act	SB Mer	San Bernardino Meridian
CE	Cash Entry	Misc	Miscellaneous	Sec	Section
CI	Classifications	Missing Doc	Missing Document	SO	Secretary's Order
Comm S	Communication Site	Mod	Modification	Segr	Segregate
CDI	Control Document Index	MD Mer	Mount Diablo Meridian	Sel	Selection, Selected
C of E	Corps of Engineers	Mult Use	Multiple Use	Sim	Simultaneous
Cur	Curative	NF	National Forest	ST	Small Tract
Dept	Department	NMon	National Monument	Sod	Sodium
DLE	Desert Land Entry	NP	National Park	S	South
Des	Designated or Designation	NWR	National Wildlife Refuge	SE	South East
Det	Determination	N	North	SW	SouthWest
D/C	Ditches/Canals	NE	Northeast	SX	State Exchange
Esmt	Easement	NW	Northwest	SG	State Grant
E	East	OG	Oil and Gas	SS	State Selection
Eff	Effective	Oper	Operation	SDWdl	Stock Driveway Withdrawal
X	Exchange	O	Order	SRHE	Stockraising Homestead Entry
DO	Executive Order	Pat	Patent	Suppl	Supplemental
FMU	Farm Unit	Per	Permit	Sur	Surveyed or Survey
FAA	Federal Aviation Administration	Pet Res	Petroleum Reserve	Sus	Suspended
FFMC	Federal Farm Mortgage Corporation	Pho	Phosphate	Temp	Temporary
FPA	Federal Power Act	Pot	Potash	Term	Terminate, Termination
FR	Federal Register	Pwr Proj	Power Project	Tp	Township
FPC O	Federal Power Commission Order	Pwr S	Power Site	Tns	Townsite
FX	Forest Exchange	PX	Private Exchange	Tr	Tract
FLS	Forest Lieu Selection	Proc	Proclamation	Trt Juris	Transfer of Jurisdiction
Frac	Fractional	Proj	Project	Trans	Transmission
GLOO	General Land Office Order	Prop	Proposed	UNDGD	Underground
Geo	Geothermal	PLC	Private Land Claim	Undet	Undetermined
Hum Mer	Humboldt Meridian	PD	Public Domain	Unsur	Unsurveyed
1/2	Half	PLO	Public Land Order	US	United States
Hwy	Highway	PL	Public Law	USAF	United States Air Force
HE	Homestead Entry	PLS	Public Land Sale	USFS	United States Forest Service
IL	Indemnity List	PS	Public Sale	USGS	United States Geological Survey
IA	Indian Allotment	PW Res	Public Water Reserve	WD	Warranty Deed
Ind Res	Indian Reservation	QCD	Quitclaim Deed	WP	Water Power
Ind Tr.	Indian Trust	RR	Railroad	W	West
Int	Interior	RRG	Railroad Grant	Wdl	Withdrawal
Inlpr	Interpretation	RRIS	Railroad Indemnity Selection	Wdn	Withdrawn
		RRLS	Railroad Lieu Selection		

LEGEND OF SYMBOLS

Land Survey		Telephone Line		Pipeline or Conduit	
Designations/WSA/ACEC		Power Transmission Line		Corridor	
Withdrawals or Classifications		Telephone & Telegraph Line		Canal or Ditch	
Patents		Railroad		Communications Site	
Leases		Hwys & Improved Roads		Firebreak	
District Boundary		County Line		Dike	
PL 167 Determination Area		Acquired Land		Reservoir	
Limits of Surveyed Land (hatching on unsurveyed side)		River		Bridge	
		Lake		Contaminated Area	

Table 4. Abbreviation of Records and Legend of Symbols.

Historical Index (HI)

The HI is a chronological narrative of actions which affect the use of or title to public lands and resources (see Table 5). It can be used to check title, but it was not designed for that purpose. The primary value of the HI is its adaptability for abstract work. The HI is very useful in conjunction with the MTP.

Control Document Index (CDI)

The CDI contains copies of documents that have or still do affect the status of each township. These documents are on microfilm and are filed in township and range order. The CDI consists principally of patents, grants of land to the State of California, and withdrawals.

Survey Plats and Field Notes

All approved Federal survey plats (maps) and the field notes have been filmed onto microfiche. The plats include approved mineral surveys of patented and unpatented mining claims. Copies are available for sale from the Cadastral Survey records section.

Mining Claim Indices

The mining claim indices consist of four computer reports filmed onto microfiche for the mining claims recorded with BLM in accordance with the mining claim recordation requirements of the Act of October 21, 1976 (Sec. 314 of Public Law 94-579). They are updated about four times a year and consist of the following:

1. Serial Number (CA MC No.):

A list of BLM serial numbers in numeric order showing case type, claim name, claimants' names, legal description, county book and page, date of location, the latest assessment year, for which an assessment work notice was filed, and a column for closed cases. See Table 6 for an example of this type of index.

5250 HORACE "G" #5

E-10

REPORT DATE: APR. 08, 1987

UNITED STATES DEPARTMENT OF THE INTERIOR

PAGE NO. 139

STATE: CALIFORNIA

PCN: LY891PP1

BUREAU OF LAND MANAGEMENT

SERIAL NUMBER INDEX

SERIAL NO.	CASE NO.	CLAIM NAME/NUMBER	CLAIMANT(S)	LEGAL DESCRIPTION	GEOD BLM LEAD	COUNTY BOOK/PAGE	LOCATION LATEST CASE DATE ASSESS-YR CLOSED
5250	LD	HORACE "G" #5	WESTERN INVESTMT LTD	21 12 S 36 E 18	27 1	117,930	1/28/1975 1986
5251	LD	HORACE "G" #6	WESTERN INVESTMT LTD	21 12 S 36 E 19	27 1	117,929	1/28/1975 1986
5252	LD	HORACE "G" #7	WESTERN INVESTMT LTD	21 12 S 36 E 19	27 1	117,928	1/28/1975 1986
5253	LD	HORACE "G" #8	WESTERN INVESTMT LTD	21 12 S 36 E 7	27 1	117,927	1/28/1975 1986
5254	LD	HORACE "G" #9	WESTERN INVESTMT LTD	21 12 S 36 E 7	27 1	117,926	1/28/1975 1986
5255	LD	HORACE "G" #10	WESTERN INVESTMT LTD	21 12 S 36 E 7	27 1	117,925	1/28/1975 1986
5256	LD	HORACE "G" #11	WESTERN INVESTMT LTD	21 12 S 36 E 7	27 1	117,924	1/28/1975 1986
5257	LD	HORACE "G" #12	WESTERN INVESTMT LTD	21 12 S 36 E 7	27 1	117,923	1/28/1975 1986
5258	PL	HANGING VALLEY NO.1	LOOPTIS CHARLES J	21 2 N 14 E 4 NE	9 1	26,115	10/06/1956 1986
			LOOPTIS MARY A		109		
5259	PL	HANGING VALLEY NO.2	LOOPTIS CHARLES J	21 2 N 14 E 4 NE	9 1	5259,654	10/06/1956 1986
			LOOPTIS MARY A		109		
5260	PL	HANGING VALLEY NO.3	LOOPTIS CHARLES J	21 3 N 14 E 33 SE	9 1	5259,655	10/13/1956 1986
			LOOPTIS MARY A				
5261	PL	SUE WHITE NO 2	BROWN FLOYD E	21 37 N 3 E 26 NW	89 2	749,650	6/18/1963 1986
5262	PL	SUE WHITE NO 3	BROWN FLOYD E	21 37 N 3 E 25 SE	89 2	853,426	9/20/1965 1986
5263	PL	SUE WHITE NO 4	BROWN GEORGIA F	21 37 N 2 E 27 SE	89 5	866,390	1/08/1966 1986
			BROWN STEVEN ALLEN				
			BROWN DEBORAH SUE				
5264	PL	SUE WHITE NO 5	BROWN FLOYD E	21 37 N 2 E 27 SE	89 5	866,392	1/08/1966 1986
			BROWN GEORGIA F				
5265	PL	SUE WHITE NO 6	BROWN FLOYD E	21 37 N 2 E 34 NE	89 5	866,394	1/08/1966 1986
			BROWN GEORGIA F				
5266	PL	SUE WHITE NO 7	BROWN FLOYD E	21 37 N 3 E 25 SW	89 2	869,296	1/20/1966 1986
			BROWN GEORGIA F				
5267	PL	SUE WHITE NO 8	BROWN FLOYD E	21 37 N 3 E 26 NW	89 2	972,529	10/01/1968 1986
			BROWN GEORGIA F				
			COOK WILLIAM D				
			COOK VIOLA				
5270	PL	SUE WHITE NO 9	BROWN FLOYD E	21 37 N 3 E 27 NW	89 2	972,527	11/11/1968 1986
			BROWN GEORGIA F				
			COOK WILLIAM D				
			COOK VIOLA				
5271	PL	SUE WHITE NO 10	BROWN FLOYD E	21 37 N 3 E 25 NW	89 2	1132,220	8/23/1972 1986
			BROWN GEORGIA F				
5272	PL	SUE WHITE NO 11	BROWN FLOYD E	21 37 N 3 E 25 NW	89 2	1132,221	8/23/1972 1986
			BROWN GEORGIA F				

5/09/1979
5/09/1979

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Table 6

Table 6

AMERICAN MICRO-DATA

2. Claim Name: An alphabetical list of the names of claims showing serial number, claimant name(s), legal description, date of location, and the date a file is closed (if there is a "closed" date, the claim has been relinquished or deemed to be abandoned). See Table 7 below.

ANNE M 0139

G-14

REPORT DATE: APR 8 1987

UNITED STATES DEPARTMENT OF THE INTERIOR

PAGE NO: 201

STATE: CALIFORNIA

PCN: LY893PP1

BUREAU OF LAND MANAGEMENT

CLAIM NAME/NUMBER INDEX

CLAIM NAME/NUMBER	SERIAL NO.	CLAIMANT(S)	LEGAL DESCRIPTION	LOCATION DATE
ANNE M 0139	153123	ASAMERA MINERAL INC	21 16 S 39 E 31 SW	4/13/1984
ANNE M 014	152998	ASAMERA MINERALS INC	17 S 39 E 8 SW	4/26/1984
ANNE M 0140	153124	ASAMERA MINERAL INC	16 S 38 E 36 E2	4/13/1984
ANNE M 0141	153125		16 S 38 E 31 NW	4/26/1984
ANNE M 0142	153126		17 S 39 E 35 NW	4/26/1984
ANNE M 0143	153127		16 S 38 E 35 SE	4/26/1984
ANNE M 0144	153128		17 S 38 E 1 NE	4/26/1984
ANNE M 0145	153129		16 S 38 E 35 SE	4/26/1984
ANNE M 0146	153130		17 S 38 E 1 NE	4/26/1984
ANNE M 0147	153131		16 S 38 E 35 SE	4/26/1984
ANNE M 0148	153132		16 S 38 E 35 SE	4/26/1984
ANNE M 0149	153133		35 SE	4/26/1984
ANNE M 015	152999	ASAMERA MINERALS INC	17 S 39 E 35 SW	4/26/1984
ANNE M 0150	153134	ASAMERA MINERAL INC	16 S 38 E 35 E2	4/26/1984
ANNE M 0151	153135		35 SE	4/26/1984
ANNE M 0152	153136		36 SW	4/26/1984
ANNE M 0153	153137		36 E2	4/26/1984
ANNE M 0154	153138		36 SW	4/26/1984
ANNE M 0155	153139		36 NE	4/26/1984
ANNE M 0156	153140		36 NW	4/26/1984
ANNE M 0157	153141		17 S	4/26/1984
ANNE M 0158	153142		NW	4/26/1984
ANNE M 0159	153143		ALL	4/26/1984
ANNE M 016	153000	ASAMERA MINERALS INC	17 S 39 E 8 SW	4/26/1984
ANNE M 0160	153144	ASAMERA MINERAL INC	16 S 38 E 36 NW	4/26/1984
ANNE M 0161	153145		NW SE	4/26/1984
ANNE M 0162	153146		NW	4/26/1984
ANNE M 0163	153147		25 SW	4/26/1984
ANNE M 0164	153148		36 NE	4/26/1984
ANNE M 0165	153149		36 NE	4/26/1984
ANNE M 0166	153150		36 NE	4/26/1984
ANNE M 0167	153151		31 NW	4/26/1984
ANNE M 0168	153152		36 NE	4/26/1984

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Table 7

Table 7

AMERICAN MICRO-DATA

3. Claimant: An alphabetical list of the names of owners of claims giving the claimant(s) address, BLM serial number, the names of claims, and the legal description. See Table 8 below.

ANDERSON EDITH

C-13

REPORT DATE: APR 8 1987

UNITED STATES DEPARTMENT OF THE INTERIOR

PAGE NO: 182

STATE: CALIFORNIA

PCN: LT894PPT

BUREAU OF LAND MANAGEMENT

CLAIMANT INDEX

CLAIMANT NAME	CLAIMANT ADDRESS	CITY	ST ZIP	SERIAL NO.	CLAIM NAME/NUMBER	MER	TOWNSHIP	RANGE	SEC	SUBD.
ANDERSON EDITH	BOX 190	DAVIS	CA 95617	99218	ANDERSON #2	21	10 N	18 E	11	SW
				99219	ANDERSON #3					SW
				99220	ANDERSON #4					SW
				99221	ANDERSON #5					SW
				99222	ANDERSON #6					NW
				99223	ANDERSON #7					NW
				99224	ANDERSON #8					NW
				99225	ANDERSON #9					NW
ANDERSON EDWARD	1842 A ST	SPARKS	NV 89431	62638	AGGRAVATION AGGREGAT		18 N	8 E	3	NW
				62686	DOUBLE A NORTH		20 N	11 E	30	SW
ANDERSON EDWIN A	PO BOX 207	DOYLE	CA 96109	25936	TROUT MINE		12 N	12 E	3	SW
				47032	DRUM		25 N	12 E	3	SW
										SW
				47033	REDWOOD					SW
				47034	STUMP					SW
ANDERSON ERIC	40 JETFR ST	REDWOOD CITY	CA 94061	6914	UPPER ALPHA		20 N	12 E	3	NW
				6915	ALPHA					NW
ANDERSON ERNEST		SAN FRANCISCO	CA 94104	85784	SWASTIKA EXCELSIOR		29 S	40 E	21	SW
ANDERSON ETHEL	# PO BOX 202	PENRYN	CA 95663	33769	BLUE BELL		21 N	10 E	11	SW
										SW
				33770	COMMONWEALTH					SW
				33771	TOM CORLETT					SW
				33772	HARDMAN					SW
				33773	OLDHUNK					SW
	PO BOX 202	PENRYN	CA 95663	33767	ALHAMBRA NO 1					SW
										SW
ANDERSON EUGENE	PO BOX 603	AFTON	WY 83110	33768	ALHAMBRA NO 2		27	2 S	3 W	SW
				41763	BUTCH #1					SW
ANDERSON FORREST	1804 EAST AVE Q-9	PALMDALE	CA 93550	41764	BUTCH #1					SW
				21168	REISE NO 1		21	19 S	42 E	34
				21169	REISE NO 2					SW
				21170	REISE NO 3					SW
				21171	REISE NO 4					SW
				24079	COVERED TREASURE 1		17 S	38 E	36	SW
				24080	COVERED TREASURE 2					SW
ANDERSON FRANK	533 S ORANGE AVE	BREA	CA 92621	58667	SAN ANTONIO		29 S	36 E	23	SW
				58670	ABC #1		17 N	1	33	SW
ANDERSON GAYLORD	PO BOX 1304	GARONERVILLE	NV 89410	156211	ABC #2		12 N	2	4	SW
ANDERSON GEN	278 OLIVER	SANTA BARBARA	CA 93109	153749	ALPHA		15 N	13	29	SW
ANDERSON GERALD	7350 MT VERNON	RIVERSIDE	CA 92507	27640	BOCHIT		3 N	16	4	SW
				92424	MAHALO #2		6 S	2 E	7	SW
				92425	MAHALO #3					SW

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Table 8

Table 8

AMERICAN RECORD-DATA

4. Geographic: This list shows claims by quarter-section. It also includes the BLM serial number, claim type (i.e., lode, placer, millsite, tunnel site), claim name, claimants' name(s), county recorder book and page number, the date of the latest assessment work notice (which will not be current if any year's filing with BLM was missed), and a column for closed cases. A case closed date appears only after a formal BLM Decision declaring a mining claim null and void has been issued, and the appeal period has transpired. See Table 9 on following page.

SELECTED REFERENCES

- American Law of Mining (2nd. ed., 5 vols), 1985; Rocky Mountains Mineral Law Foundation; Matthew Bender, N.Y. and San Francisco.
- Black's Law Dictionary, 1979; West Pub. Co., St. Paul, Minn.
- California Reporter (Cal. Rptr.), contains state appellate court opinions from 1959 to present; updated by advance sheets and published in book form periodically; West Pub. Co., St. Paul, Minn.
- California Public Resources Code, Division 2: Chap. 4, Manner of Locating Mining Claims, Tunnel Rights, and Mill Sites; Chap. 5, Mining Partnerships; Chap. 6, Placer Mining Water Pollution; Chap. 7, Miscellaneous Provisions.
- Code of Federal Regulations (CFR), Title 43 (3 vols.), contains regulations regarding the Public Lands; published annually and updated to October 1; U.S. Government Printing Office.
- Corbin R.K., 1988, Title to U.S. gold mines: an introduction for Canadian junior mining companies: American Institute of Mining Engineers, 2nd Ann. Intern. Gold Conf., November, p. 171-188.
- Evans, J.R., Waiwood, R.M, and Reid, R.E., October 1986; Procedures for determining discovery on small gold mining claims in California; California Geology, vol. 39, No. 10, p. 219-228.
- Federal Register (F.R.), contains documents relating to the governmental regulatory process; published daily; U.S. Government Printing Office.
- Federal Reporter (F., F.2d), contains written opinions of Federal intermediate appellate courts; updated by advance sheets and published in book form periodically; West Pub. Co., St. Paul, Minn.
- Interior Board of Land Appeals (IBLA), contains decisions issued on a case by case basis; issued periodically by the IBLA.
- Mining Law From Location to Patent (w/cumulative supplements) 1985; Terry S. Maley; Mineral Land Publications, Boise, Idaho.
- Pacific Reporter (P., P.2d), a multi-state reporter of state appellate court opinions from 1853 to present; updated by advance sheets and published in book form periodically; West Pub. Co., St. Paul, Minn.
- Supreme Court Reporter (S. Ct.), contains all Supreme Court written opinions since 1882; updated by advance sheets and published in book form periodically; West Pub. Co., St. Paul, Minn.
- United States Code (U.S.C.), contains current Federal legislation; published every 6 years, but with annual cumulative supplements; U.S. Government Printing Office.
- United States Code Annotated (U.S.C.A.), contains same data as U.S.C., but has many special features; updated 3 times a year with an annual cumulative supplement; West Pub. Co., St. Paul, Minn.
- United States Statutes at Large (Stat.), contains a complete file of Federal legislation passed since 1789; new volume added at end of each session of Congress; U.S. Government Printing Office.

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